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Situation of human rights in Myanmar

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, Paulo Sérgio Pinheiro, submitted in accordance with Commission resolution 2004/61 and Economic and Social Council decision 2004/266.

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Interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar

Summary

The mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar was established by the Commission in its resolution 1992/58 and extended most recently in resolution 2004/61. In that resolution, the Commission requested the Special Rapporteur to submit an interim report to the General Assembly at its fifty-ninth session. The present interim report is based upon information received by the Special Rapporteur up to 30 July 2004 and is to be read in conjunction with his last report to the Commission (E/CN.4/2004/33).

Since his last mission to Myanmar in November 2003 the Special Rapporteur has requested from the Government of Myanmar on several occasions its cooperation in returning to the country for a fact-finding mission. However, in spite of the indication of agreement in principle to the Special Rapporteur's visit, no authorization to visit was received. The Special Rapporteur therefore provides in the present report short updates on the issues he examined during his last visit, based on information collected from other sources. The Special Rapporteur will continue seeking access to Myanmar so as to more fully discharge his mandate.

The National Convention was reconvened from 17 May to 9 July 2004. Reviving the National Convention constitutes the first step under the seven-point road map for national reconciliation and democratic transition presented by the Prime Minister, General Khin Nyunt, on 30 August 2003. It was announced by the authorities that the delegates to the new National Convention were expected to frame their suggestions in the context of the six objectives and the 104 principles already laid down during the 1993-1996 Convention.

The National Convention was reconvened without the involvement of the National League for Democracy (NLD) and other political parties that won the majority of seats in the 1990 elections. It was attended by 1,076 delegates, compared with the 702 participants at the previous Convention. This increase was largely made up of representatives of ethnic nationalities, including ceasefire groups that emerged in the new political environment created as a result of ceasefire agreements with 17 former armed groups. In terms of potential for conflict resolution, the 2004 National Convention may thus be a unique opportunity for ethnic minorities.

The Special Rapporteur notes that the concerns regarding the National Convention process that he expressed in his last report to the Commission have not been addressed and that the necessary steps to ensure minimum democratic conditions for the reconvening of the National Convention have not been taken. The Special Rapporteur reiterates that if the Government wishes to promote a genuine process of political transition, fundamental human rights requirements have to be fulfilled.

The Special Rapporteur nevertheless hopes that the final outcome of the National Convention will bring some concrete solutions to the concerns of the entire population of Myanmar. Releasing Daw Aung San Suu Kyi and beginning a

substantive dialogue with her and her party, as well as reaching an agreement with ceasefire groups that takes into account their suggestions would contribute to the advancement of the political process. In this respect, the Special Rapporteur appeals to the Government of Myanmar to recognize the role of the Special Envoy of the Secretary-General and the necessity of his return to the country as soon as possible to continue his facilitation efforts, in particular in the context of preparations for the next session of the National Convention.

The information received by the Special Rapporteur during the reporting period indicates that the situation with regard to the exercise of basic human rights and fundamental freedoms in Myanmar has not substantially changed. The effects of the events of 30 May 2003 in Depayin have yet to be fully reversed. There remain large numbers of security detainees. The Special Rapporteur has received several reports of continuing arrests and harsh sentences for peaceful political activities; many of the reported cases were raised by the Special Rapporteur in his letters and urgent appeals addressed to the Government of Myanmar. The Special Rapporteur also remains concerned at the practice of administrative detention. There are still restrictions on political activity, with all NLD party offices remaining shut, except for its headquarters in Yangon which was allowed to reopen in April 2004. Despite the restrictions in place, according to recent reports, NLD has been able to conduct some activities.

While the extent to which NLD and other political parties will be allowed to conduct peaceful political activities without reprisals remains to be seen, the Special Rapporteur would like to reiterate the view, expressed during his last mission in November, that the implementation of the road map must be accompanied by tangible changes on the ground towards a genuinely free, transparent and inclusive process involving all political parties, ethnic nationalities and members of civil society. Political rights and freedoms must be respected in order to create an enabling environment conducive to a successful democratic transition. The implementation of human rights reforms proposed in his reports and letters to the Myanmar authorities would help create such an environment.

During the reporting period, the Special Rapporteur has received credible and detailed reports of human rights violations in certain counter-insurgency areas in Myanmar and hopes that he will be able to clarify those reports during his next mission. He recalls that his request for an independent assessment in Shan State has not yet been answered by the Myanmar authorities.

The Special Rapporteur has taken note of the cooperation by the Government of Myanmar with the Committee on the Rights of the Child in the consideration of the second periodic report of Myanmar on the implementation of the Convention on the Rights of the Child.

The Special Rapporteur believes that there has been growing appreciation in recent years by the international community of an imperative for humanitarian assistance in Myanmar. In this regard, he welcomes the efforts of the United Nations Country Team in mapping out vulnerabilities in Myanmar with a view to developing a strategic framework for United Nations assistance.

In view of the prevailing situation in Myanmar, the conclusions and recommendations given in the previous reports of the Special Rapporteur remain valid.

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I. Introduction

1. The mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar was established by the Commission in its resolution 1992/58 and extended most recently in resolution 2004/61 (approved by the Economic and Social Council in its decision 2004/266). In its resolution, the Commission requested the Special Rapporteur to submit an interim report to the General Assembly at its fifty-ninth session. The present report is submitted in accordance with that request. It is based upon information received by the Special Rapporteur up to 30 July 2004 and is to be read in conjunction with his last report to the Commission on Human Rights (E/CN.4/2004/33).

II. Activities of the Special Rapporteur

2. The Special Rapporteur introduced his report to the Commission on Human Rights on 26 March 2004. While in Geneva on that and other occasions, and also later in London, he had meetings with senior representatives of the Government of Myanmar to discuss matters relating to the implementation of his mandate. In parallel, the Special Rapporteur maintained his consultations with representatives of Member States, civil society and the academic community.

3. Since his last mission to Myanmar in November 2003, the Special Rapporteur has written on several occasions to the Government of Myanmar seeking its cooperation in returning to the country for a fact-finding mission. The Special Rapporteur proposed to travel to Myanmar in March 2004 in order to update his report to the Commission. However, in spite of the indication of agreement in principle to the Special Rapporteur's visit, the Government did not accept the proposed dates and suggested seeking other, mutually convenient dates. The Special Rapporteur suggested late May/early June 2004, so as to collect first-hand information for the present report, in particular in view of the recent developments relating to the National Convention process in the country. No authorization was received for those dates either. The Special Rapporteur wishes to note that the Special Envoy of the Secretary-General has also not had access to Myanmar since his last mission in March 2004 and that the Secretary-General has called on the State Peace and Development Council (SPDC) to allow his Special Envoy to return as soon as possible.

4. In the absence of missions to Myanmar during the reporting period, the Special Rapporteur provides in the present interim report short updates on the issues he examined during his last visit, based on information collected from other sources. The Special Rapporteur will continue to seek access to Myanmar so as to more fully discharge his mandate.

5. Taking the opportunity of a visit to Bangkok for another mandate, the Special Rapporteur held a press conference on 1 June 2004 at which he expressed his disappointment at the lack of cooperation on the part of the Government of Myanmar. While in Bangkok, the Special Rapporteur met with representatives of the Royal Thai Government, the diplomatic community, United Nations agencies and civil society as well as individuals knowledgeable about the situation of human rights in Myanmar.

6. During the reporting period, the Special Rapporteur has sent to the Government of Myanmar six urgent appeals and letters of allegation raising cases of alleged violations of human rights involving 68 persons.

III. Human rights-related developments

A. The National Convention

7. Reviving the National Convention constitutes the first step under the seven-point road map for national reconciliation and democratic transition presented by the Prime Minister, General Khin Nyunt, on 30 August 2003. It should be recalled that the previous Convention, which began its work in 1993, was adjourned in 1996 after delegates from the National League for Democracy (NLD) walked out because of what NLD described as undemocratic procedures. There were also human rights abuses committed during its proceedings, which were documented by previous special rapporteurs (E/CN.4/2004/33, para. 33).

8. Preparations for the reconvening of the National Convention were handled by three bodies — the National Convention Convening Commission, the Work Committee and the Management Committee — specifically reconstituted for that purpose by SPDC (ibid., paras. 29-30). They had their first joint work coordination meeting on 16 February 2004.

9. At their second meeting, on 19 April 2004, Lieutenant-General Thein Sein, Chairman of the National Convention Convening Commission and Secretary-2 of SPDC, announced the date of the National Convention and the parameters of its operation. It was made clear that the new Convention would be held in accordance with its previous objectives and procedures. The delegates were expected to frame their suggestions in the context of the "basic principles" and the 104 "detailed basic principles" already laid down during the 1993-1996 Convention. It was also declared that the list of delegates had been scrutinized and that invitations had been sent out beginning on 7 April 2004 to the delegates selected from the same eight social categories as at the previous Convention: political parties, representatives-elect, national races, peasants, workers, intellectuals and intelligentsia, State service personnel and other invited delegates. Delegates were to register on 13 and 14 May 2004.

10. This announcement came three days after NLD released a statement that the situation would not be conducive to its participation in the National Convention if the latter continued to operate under the previous procedure and rules. The NLD position was that the National Convention must be held in accordance with democratic practices. Seven NLD Central Executive Committee (CEC) members who had already been invited to attend the Convention (the other two, Daw Aung San Suu Kyi and U Tin Oo, remained under house arrest and reportedly were not sent an invitation) stated that their participation would be officially decided only after they had discussed the matter with Daw Aung San Suu Kyi.

11. A meeting of the NLD CEC took place on 27 April 2004 at Daw Aung San Suu Kyi's residence. All nine members of CEC were present, including U Tin Oo who was brought from house arrest to attend the meeting. From the reports that the Special Rapporteur saw, it appears that NLD was prepared and willing to attend the

National Convention until it became clear that an agreement on the release of Daw Aung San Suu Kyi and the reopening of party offices would not be reached. The refusal of the NLD leadership to participate in the Convention was echoed by some other ethnic nationality parties. Some ethnic groups also objected to the six "basic principles", which include a guarantee that the military will have a significant role in any future government, and to the 104 "detailed basic principles" for the constitution that were laid down by the previous Convention and would guide the work of the new Convention.

12. On 14 May 2004, the Secretary-General urged all parties concerned to make every effort in the next two days to reach an agreement, taking into account suggestions made by NLD and by other political and ethnic nationality parties. He also reiterated his call for the lifting of all remaining restrictions imposed on Daw Aung San Suu Kyi and U Tin Oo and the reopening of NLD offices, so that the National Convention could be all-inclusive. Those conditions were essential for the National Convention to be recognized by the international community as a credible forum for democratization and national reconciliation in Myanmar.

13. The National Convention was reconvened from 17 May to 9 July 2004 without NLD and other political parties that won a majority of seats in the 1990 elections. The Special Rapporteur, in his press statement of 1 June, noted that the concerns regarding the National Convention process, which he expressed in his last report to the Commission (ibid., para. 34) and subsequently reiterated in his speech to the Commission had not been addressed and that the necessary steps had not been taken to ensure that the National Convention would be reconvened under democratic conditions. He reiterated that fundamental human rights requirements had to be fulfilled if SPDC wished to promote a genuine process of political transition. In order to create an enabling environment conducive to a successful democratic transition, the rights to freedom of expression and assembly must be restored. All political prisoners (i.e. security detainees) must be released immediately and unconditionally, and no further arrests or punishment for peaceful political activities should take place. Moreover, Daw Aung San Suu Kyi and U Tin Oo must be freed from de facto house arrest and all NLD party offices should be reopened.

14. The reconvened National Convention was attended by 1,076 of the 1,088 invited delegates, i.e. more than 300 delegates more than the previous Convention, which had 702 participants. The increase was largely made up of representatives of ethnic nationalities, including ceasefire groups that had emerged in the new political environment created as a result of ceasefire agreements between the Government and 17 former armed groups. In terms of potential for conflict resolution, the 2004 National Convention may thus be a unique opportunity for ethnic minorities. This being said, the challenges should not be underestimated. The ceasefire groups, comprised of ethnic minority-based former armed opposition groups, were included in the "specially invited guests" category. Before it was convened, SPDC had requested the ceasefire groups to select a specified number of delegates. During the initial session of the Convention, the ceasefire groups raised issues of local autonomy for the ethnic minority areas, and some substantive discussions with the authorities reportedly took place about these concerns. With regard to the United Nationalities Alliance (UNA), a grouping of some of the ethnic minority political parties, only the Shan Nationalities League for Democracy (SNLD) was reportedly invited to participate in the National Convention, but until now they have not done so.

15. The Special Rapporteur took note of the concerns regarding the proceedings and the general atmosphere at the National Convention, which he expressed in his earlier report (ibid., para. 33), including in relation to Law No. 5/96 and other restrictive laws and procedures. The Special Rapporteur will address these during his next fact-finding mission to Myanmar.

16. While noting certain concerns about the current National Convention process, in particular with respect to inclusiveness and procedures governing its proceedings, the Special Rapporteur hopes that its final outcome will bring some concrete solutions benefiting the entire population of Myanmar. The Special Rapporteur believes that releasing Daw Aung San Suu Kyi and beginning a substantive dialogue with her and her party, as well as reaching an agreement with ceasefire groups that takes into account their suggestions, would contribute to the advancement of the political process. In this respect, the Special Rapporteur appeals to the Government of Myanmar to recognize the role of the Special Envoy of the Secretary-General and the need for his return to the country as soon as possible to continue his facilitation efforts, in particular, in the context of preparations for the next session of the National Convention which is expected to be convened sometime after the monsoon season, perhaps in November.

B. Update on civil and political rights

17. The information received by the Special Rapporteur during the reporting period suggests that the situation with regard to the exercise of basic human rights and fundamental freedoms in Myanmar has not substantially changed. The effects on human rights of the events of 30 May 2003 in Depayin have yet to be fully reversed (see A/58/219, paras. 10-17, 23-25; E/CN.4/2004/33, paras. 12-21).

18. There remain large numbers (over 1,300) of security detainees. The Special Rapporteur is concerned that so far there have been no indications of when Daw Aung San Suu Kyi will be released. The Special Rapporteur also regrets to note that despite his repeated appeals only a small number of detainees have been released during the reporting period. Among recent releases are NLD Chairman U Aung Shwe and CEC member U Lwin, who had been under house arrest since 30 May 2003 and were released on 13 April; NLD member Tin Tun, who was sentenced to 20 years in prison in 1993 and released on 20 June; NLD member Ko Wanay Soe, who had been serving a 10-year prison sentence since 1999, and lawyer Tin Aye, who were freed on 24 June.

19. Since the beginning of this year, the Special Rapporteur has received several reports about continuing arrests and harsh sentences for peaceful political activities; many of the reported cases were raised by the Special Rapporteur in his letters and urgent appeals addressed to the Government of Myanmar. According to one report, 11 NLD members who had been arrested in connection with the 30 May 2003 incident in Depayin were sentenced on 9 April 2004 to prison terms ranging from 7 years to 22 years by a "special tribunal" set up inside a prison in Mandalay Division. They were accused of maintaining a relationship with illegal organizations and charged under article 5 (j) of the Emergency Provision Act and article 17 (1) of the Unlawful Organization Act, in a brief trial at which they were deprived of their right to legal counsel. These 11 persons, who are from Yangon, and their respective jail terms are: (1) U Hla Saw, 17 years; (2) U Myint Oo, 7 years; (3) Daw Nhin Pa

Pa, 17 years; (4) Maung Aung Naing Thu, 12 years; (5) Ko Aung Aung, 7 years; (6) U Win Kyi, 22 years; (7) Ko Thay Lwin Oo, 7 years (they are all from Mandalay); and (8) U Than Win, 12 years; (9) Ko Ray Tun Min, 12 years; (10) U Tin Oo, 12 years; and (11) Ko Zaw Min Naing, 12 years. The Special Rapporteur notes that the International Committee of the Red Cross (ICRC) was able to continue carrying out its traditional protection activities in favour of detainees under the custody of the Prison Department, including repeated visits to persons still being detained in connection with the 30 May events. For his part, the Special Rapporteur will pursue further discussions on the Depayin incident (E/CN.4/2004/33, paras. 12-21) during his next mission to Myanmar.

20. It was also reported that on 7 May, five activists who had been arrested three months earlier were sentenced by a "special court" in Insein prison to lengthy prison terms for allegedly communicating illegally with banned political organizations. They are: Maung Maung Latt and Paw Lwin (12 years); Ne Min (15 years); Ye Thiha (7 years); and Ne Lin Aung, also known as Yan Naing (22 years). It was further reported that on 5 June, two NLD members — Than Than Tay, secretary of the women's group of Magwe Division, and Tin Myint, secretary of Thingangyun township in Yangon — were arrested for allegedly communicating with illegal groups on the border. Their whereabouts appear to be unknown and they potentially face long-term imprisonment. The Government claimed that this was not indicative of a new clampdown on NLD.

21. The Special Rapporteur continues to be concerned about the practice of administrative detention under article 10 (A) of the Law to Safeguard the Nation Against the Danger of Subversive Elements. The Special Rapporteur is also disturbed at reports of the deaths of two former political prisoners. One of them, a 60-year-old poet Kyi Tin Oo, who was released from prison on 24 March 2004, died of a heart attack on 24 June. It is alleged that he had suffered from high blood pressure, a heart condition and other ailments as a result of torture he was subjected to at the time of his arrest and interrogation and the poor conditions in prison where he spent his last 10 years. The other is lawyer U Min Thu, a 50-year-old political prisoner who died on 12 June 2004 at Insein Township Hospital as a result of heart disease. He had been serving a seven-year sentence received in April 1998 for cooperating in compiling facts for the History of Students' Activities in Politics of Burma records.

22. The Special Rapporteur has received information that at least 50 political prisoners are currently in poor health. He appeals once again to the Government of Myanmar to release those prisoners on humanitarian grounds. He also renews his call for the immediate and unconditional release of all political prisoners through an amnesty process. Their continued detention contradicts the spirit and objectives of the democratic transition and national reconciliation announced in the road map by the Prime Minister.

23. There are still restrictions on political activity, with all NLD party offices remaining shut except for its headquarters in Yangon which was allowed to reopen in April 2004. Reportedly, phone lines to the NLD headquarters were cut when the National Convention started its proceedings on 17 May.

24. Despite the restrictions in place, according to recent reports, NLD has been able to conduct some activities. The party leaders and elected representatives started holding meetings during the month of July in preparation for their input to the NLD

leadership concerning the party's activities and future plans. At the time of writing, those preparatory meetings had been concluded in Yangon Division and Shan State. Similar meetings are planned throughout the country in the coming days. Following these meetings, party leaders from all divisions and states are expected to meet with their top leaders at the NLD headquarters in Yangon.

25. Reportedly, on 30 July NLD started a nationwide petition calling for the release of Daw Aung San Suu Kyi, U Tin Oo and other political prisoners and for the reopening of all party offices closed since 30 May 2003. Military Intelligence officials have allegedly warned the organizers against carrying on with the campaign, but as yet no action has been taken against them. In view of the peaceful nature of this campaign, the authorities should desist from putting pressure on the organizers.

26. While the extent to which NLD and other political parties will be allowed to conduct peaceful political activities without reprisals remains to be seen, the Special Rapporteur would like to reiterate his view, stated during his last mission in November, that the implementation of the road map must be accompanied by tangible changes on the ground towards a genuinely free, transparent and inclusive process involving all political parties, ethnic nationalities and members of civil society. Political rights and freedoms must be respected in order to create an enabling environment conducive to a successful democratic transition. The implementation of human rights reforms proposed in his reports and letters to the Myanmar authorities would help create such an environment.

C. Situation in the border areas

27. The resumption of peace talks between the Government of Myanmar and the Karen National Union (KNU), the largest armed opposition group, is a significant development. KNU deputy chairman and defence chief General Bo Mya led a delegation to Yangon for talks in January 2004, when a "gentleman's agreement" on a ceasefire was agreed. The Special Rapporteur hopes that the remaining issues will be resolved by the two sides very soon. Reportedly, the two sides will meet again in August 2004 for the fourth round of negotiations aimed at ending more than a half century of armed conflict. Were human rights commitments to be built into an agreement, this process could significantly improve not only the human rights situation in ethnic minority areas, but also the political climate throughout Myanmar.

28. The Special Rapporteur has received credible and detailed reports of human rights violations in certain counter-insurgency areas in Myanmar and hopes that he will be able to clarify those reports during his next mission. He recalls that his request for an independent assessment in Shan State (E/CN.4/2003/41, paras. 35-41; A/58/219, paras. 27-36; and E/CN.4/2004/33, paras. 47-50) has not yet been answered by the Myanmar authorities.

29. The Special Rapporteur notes with satisfaction that SPDC has continued to allow ICRC to maintain its independent assessment of the security and living conditions of the population in the conflict-affected ethnic minority areas.

D. Child rights

30. The Committee on the Rights of the Child considered the second periodic report of Myanmar on the implementation of the Convention on the Rights of the Child (CRC/C/70/Add.21) on 26 May 2004 and adopted its concluding observations (CRC/C/15/Add.237) on 4 June 2004. In preparation for that event, on 5 February 2004, the Special Rapporteur briefed the Committee members on the present situation in Myanmar during its pre-sessional working group meeting.

31. The Special Rapporteur notes that the Committee welcomed the adoption of rules and regulations relating to the Child Law in 2001; the creation of the National Human Rights Committee in 2000; the establishment of the Myanmar Women's Affairs Federation in 2003, whose mandate includes promotion and protection of the rights of children; the adoption of the National AIDS Programme and the development of the "Joint Programme for HIV/AIDS: Myanmar 2003-2005"; the adoption of the National Health Plan 1996-2001, which achieved high immunization coverage for a significant part of the population; and the adoption of the "Education for All" National Action Plan.

32. The Committee made comprehensive recommendations addressing areas of concern, which the Special Rapporteur fully endorses. Among some of the key recommendations are: raising to an internationally acceptable age the minimum age for criminal responsibility as well as the marriage age of girls; prohibiting corporal punishment and undertaking education campaigns to educate families and professionals on alternative forms of discipline; assessing the scope, nature and causes of violence against children, in particular sexual violence against girls, with a view to adopting a comprehensive strategy of effective measures and policies and to changing general attitudes; increasing efforts to prevent the spread of HIV/AIDS; improving the quality of the education system; introducing human rights, including children's rights, into the school curricula, starting at the primary level; making primary education free in practice by minimizing costs borne by parents; extending compulsory education beyond fourth grade to at least sixth grade; strengthening efforts to progressively ensure that girls as well as boys, from urban, rural and remote areas, and those children belonging to minority groups all have equal access to educational opportunities; adopting and implementing a comprehensive national plan of action to prevent and combat child labour; continuing to seek assistance from the International Labour Organization (ILO) for the elimination of forced labour; extending the protection from sexual exploitation and trafficking in all relevant legislation to all boys and girls below the age of 18 years; formulating a national plan of action to combat trafficking; demobilizing and reintegrating all combatants under the age of 18 years, ensuring that all military recruits are at least 18 and have enlisted voluntarily, and providing educational and other assistance to children affected by the conflict.

33. The Special Rapporteur is pleased to note that the Government of Myanmar has invited a delegation of the Committee on the Rights of the Child to visit Myanmar. The Government has announced that a national plan of action on child rights will soon be drafted in response to the recommendations made by the Committee. The Special Rapporteur has also received information that the Curriculum Division of the Department of Educational Planning and Training started in June 2004 to elaborate lessons on human rights for the basic education, middle school and high school levels. The Special Rapporteur welcomes the

contribution of the United Nations Children's Fund (UNICEF) in this regard. Furthermore, the Special Rapporteur is encouraged to note that in July 2004, UNICEF and the Supreme Court — with the collaboration of the Juvenile Justice Inter-Agency Working Group — brought together senior policy makers in the Government (including, in addition to the Supreme Court, the Attorney-General's Office, the Ministry of Home Affairs and the Ministry of Social Welfare, the Myanmar Police Force and the Prison Department) and experts from the region for a workshop on juvenile justice to exchange information on how to improve the protection of children in conflict with the law in Myanmar.

34. The Special Rapporteur has taken note of the establishment of the Committee for the Prevention of the Recruitment of Child Soldiers on 5 January 2004. The Committee includes the Ministers for Foreign Affairs, Labour, and Social Welfare and the Home Minister, the Judge Advocate-General and two high-ranking military officials from the Ministry of Defence. A task force was established at the first meeting on 16 January 2004. The Committee recently held a second senior-level meeting under the chairmanship of Secretary-2 of SPDC. While the first meeting of the Committee was to adopt resolutions on prevention of the recruitment of minors for military service, the second was to discuss the implementation of the resolutions and the future programmes. These initiatives are welcome.

35. The Special Rapporteur has also taken note of the concerns expressed in the report of the Secretary-General on children and armed conflict to the Security Council (A/58/546-S/2003/1053 and A/58/546/Corr.1 and 2-S/2003/1053/Corr.1 and 2) and the references therein to Myanmar.

IV. Cooperation with the United Nations Country Team

36. The Special Rapporteur believes that there has been growing appreciation in recent years on the part of the international community of an imperative for humanitarian assistance in Myanmar. In this regard, the Special Rapporteur welcomes the efforts of the United Nations Country Team, which is currently comprised of 10 United Nations organizations present in the country, towards mapping out vulnerabilities in Myanmar with a view to developing a strategic framework for assistance by United Nations agencies. This is an important initiative as the United Nations, by virtue of its mandate, is in a unique position to address the needs of vulnerable populations in the country. Moreover, at present the United Nations continues to be the largest multilateral source of humanitarian assistance and social support in Myanmar.

37. The bulk of the ongoing assistance is used for supporting grass-roots community-based activities. Significant additional assistance totalling US$ 98.5 million from the Global Fund to Fight AIDS, Tuberculosis and Malaria is expected to be directed towards a major expansion of health-care resources in Myanmar in the next five years. The United Nations Development Programme, as the principal recipient of the Global Fund, is responsible for financial management as well as monitoring and evaluation systems. The Special Rapporteur is pleased to note that the first US$ 35.6 million in approved grants from the Global Fund are expected to begin flowing into Myanmar in September 2004. Furthermore, the Special Rapporteur welcomes the willingness of the Government of Myanmar to provide full-country access for all sub-recipients of Global Fund money to ensure

that the most needy receive assistance. More than half of this amount (US$ 19.2 million) will support the campaign against AIDS. This aid is much needed and timely, particularly since it was revealed recently at the XV International AIDS Conference (Bangkok, 11-16 July 2004) that the number of people in Myanmar infected with HIV is estimated to have reached 620,000, thus placing Myanmar among the top three worst affected countries in the region.

38. The Special Rapporteur welcomes the agreement between the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees (UNHCR), made earlier this year, to allow UNHCR access to the eastern part of the country, namely, Kayin and Mon States and Tanintharyi Division. Authorities at both the central and local levels have been cooperating with UNHCR which has been able to field six missions to these border areas so far. These missions are providing an important opportunity to assess humanitarian concerns in host communities and identify needs prior to any return of refugees and displaced populations. A UNHCR presence in these areas and its efforts to create conditions conducive to the return of refugees will also contribute to the national reconciliation process. However, it is obvious that a sustainable repatriation process is also linked to the establishment of a solid peace agreement between KNU and SPDC covering substantive issues, including mine clearance and the resettlement of ethnic Kayin displaced by fighting.

39. The Special Rapporteur would also like to note the positive cooperation between the Myanmar Human Rights Committee and UNHCR on human rights law training for officials in border areas. The training programme is ongoing, with five intensive workshops held so far in Yangon, Kayin and Mon States and Tanintharyi Division, at which 150 officials were trained. More such training is planned. Parallel to this, UNHCR is training the trainers (law professors from various Myanmar universities) at several institutions around the world.

40. UNICEF is also involved in substantial capacity-building and training in several areas, including, protection of children deprived of parental care (especially orphans and children in institutions), protection of children in conflict with the law, and protection and reintegration of exploited and neglected children. Moreover, UNICEF has been providing assistance to Kayin, Kayah, Mon and other States on the border with Thailand in primary health care, basic education, and water and sanitation for a number of years in agreement with the Government; more recently, assistance in child protection has also been initiated in several of these areas. UNICEF is in regular contact with relevant officials dealing with various protection issues, including child soldiers.

41. With regard to ILO, the implementation of the Plan of Action agreed by ILO and the Government of Myanmar could not yet be initiated in view of the prevailing climate in the country and, in particular, because of the cases involving nine persons sentenced to death for high treason (i.e. after the late discovery in March 2004 that three of the nine cases could have an ILO dimension). These cases were raised by the Special Rapporteur in his earlier report (E/CN.4/2004/33, para. 24) and they have not yet been fully resolved. Those nine persons were sentenced to death for allegedly conspiring to bomb government buildings, assassinate SPDC members, having contact with political groups in exile and disseminating "false information" about the authorities overseas, allegedly including through contacts with ILO. The Special Rapporteur is concerned that although on the first appeal the Supreme Court

commuted the death sentences (to life imprisonment for some, three years' imprisonment for others), it failed to clarify this crucial point, despite the earlier assurances of the Government that contacts with ILO could not be considered illegal in Myanmar. The Special Rapporteur has been informed that a second appeal, to the full bench of the Supreme Court, was made by a lawyer for eight of the nine persons on 4 August 2004.

42. On a related matter, the Special Rapporteur took note of the conclusions of the special sitting of the Committee on the Application of Standards of the International Labour Conference (5 June 2004), which examined developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29). According to the Committee, in spite of the Government's assurances of its good intentions, the measures taken have not been sufficient to enable agreement on the implementation of the joint Plan of Action.

V. Concluding observations and recommendations

43. The conclusions and recommendations of the Special Rapporteur contained in the present report join those in his previous reports, which remain valid in view of the prevailing situation in Myanmar (see, for example, E/CN.4/2002/45, E/CN.4/2003/41 and E/CN.4/2004/33).

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Globalization and interdependence

Globalization and interdependence

Report of the Secretary-General**

Summary

The General Assembly, in its resolution 58/225 of 23 December 2003, requested the Secretary-General to submit to it at its fifty-ninth session a report on globalization and interdependence, which should focus on ways to forge greater coherence in order to advance the internationally agreed development goals, including those contained in the United Nations Millennium Declaration.

This mandate involves two questions: first, the broader question of how to manage globalization in order to promote development, which has been the subject of previous reports; and second, the more specific question of how to promote the institutional and policy coherence required to achieve the broad array of development goals in a globalizing world economy. The present report is focused on the latter.

Section II of the report explores the impact of globalization on the development goals and identifies the challenges of policy coherence. Section III is focused on ways in which to promote policy and institutional coherence at the national, regional and global levels. Section IV contains conclusions and recommendations.

* A/59/150.

** This report was delayed owing to the need for extensive consultations within the Secretariat.

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I. Introduction

1. The General Assembly, by resolution 58/225 of 23 December 2003, on the role of the United Nations in promoting development in the context of globalization and interdependence, requested the Secretary-General to submit to it at its present session a report which should focus on ways to forge greater coherence in order to advance the internationally agreed development goals, including those contained in the United Nations Millennium Declaration.[1] This mandate involves two questions: first, the broader question of how to manage globalization in order to promote development, which has been the subject of previous reports; and second, the more specific question of how to promote the institutional and policy coherence required to achieve the broad array of development goals in a globalizing world economy. This in turn leads to two main issues, namely, promoting policy coherence (a) to ensure that the wide-ranging development goals dealing with economic, social and environmental dimensions are pursued in a mutually reinforcing manner and (b) to manage the impact of globalization on the realization of these goals. The present report attempts to identify the impact of globalization on various dimensions of the development goals and the areas that require greater policy coherence. It then explores ways of forging policy coherence at the national, regional and global levels to address both challenges, that is, integrating the three dimensions of development and managing the uneven impact of globalization. It is not possible to address these issues in great detail in a single report for a variety of reasons, one being the wide scope of the development goals and, second, the complexity of the impact of and linkages with globalization. For a more comprehensive view of these issues, the present report should be read in conjunction with other related reports of the Secretary-General.[2]

II. Globalization and development nexus — challenges of policy coherence

2. The pursuit of development is a complex task. It has become even more daunting in a world that is being shaped by increasing globalization and interdependence. At the core of this challenge is the task of managing the uneven impact of globalization while pursuing internationally agreed development goals, including those contained in the Millennium Declaration, and integrating their various dimensions. Achieving simultaneous progress in these interrelated areas is especially demanding for many developing countries in which institutions, capabilities and infrastructure need to be built while they confront an increasingly competitive economic environment.

3. One of the major obstacles to achieving the development goals in a globalizing environment is the lack of policy coherence at the national, regional and global levels. With greater coherence between the national and international visions of trade and development, the coordination of financial, monetary and technological policies at the international level should create an environment that allows national development strategies to succeed. Policies ought not to give with one hand and take with the other. Rules designed to liberate ought not to create new barriers. Countries that press others to liberalize trade should be willing to do the same. Commitments to promote economic growth and eradicate poverty, enhance social integration, achieve environmental sustainability and ensure that globalization is a positive force

for all require persistent efforts to integrate more effectively the policies in these areas and coordinate the activities of institutions at the national, regional and global levels. The Millennium Declaration, the Monterrey Consensus,[3] the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation")[4] and the outcomes of other conferences have addressed these dimensions of development and the challenges of globalization but the world is still far from achieving the necessary level of coherence, coordination and cooperation.

4. To ensure that existing structures and policies are geared towards greater coherence, there is a need to understand how globalization impacts upon the various dimensions of the development goals, including the Millennium Development Goals.[5] It is a fairly complex undertaking, since the impact cannot be as clearly established or identified as one would like to see and, in many cases, it is mixed. However, a brief overview could help to identify some of the challenges to achieving policy coherence.

A. Impact on economic growth

5. Globalization has offered opportunities for enhanced economic growth. Such growth has, however, been unevenly distributed across countries and among both industrialized and developing countries. The most striking feature of this uneven pattern is the rapid economic growth in China over the past two decades and the gradual but significant improvement in the economic growth performance of India. A number of other developing countries, especially in Asia, have been able to capture the opportunities created by globalization, but many countries in Africa and Latin America and several economies in transition have experienced slow economic growth or even outright contraction.

6. Globalization has provided developing countries with financial resources that supplement the resources generated at home, but such resources have been highly unstable. After falling sharply since 1998, net private capital flows to developing countries partially recovered, reaching $92.5 billion in 2003 — their highest level since the outbreak of the Asian crisis. At the same time, open markets have fostered increased trade in goods and services. In 2002, the share of developing countries of trade in goods and services as a percentage of gross domestic product (GDP) was approximately 60 per cent. The difference in the impact of globalization has been determined by a variety of factors, including the institutional strength of the various countries, their level of human development, their ability to manage volatility with appropriate counter-cyclical macroeconomic policies, and their capacity to make inroads into the dynamic manufacturing and services sectors.

7. The challenge is to create the conditions that would enable all countries, in particular the least developed countries, to benefit from globalization and to achieve the Millennium Development Goals. At the heart of this challenge is the fulfilment of Millennium Development Goal 8, concerning a global partnership for development. It is a pledge by developed countries to fulfil their commitments to support the efforts of developing countries with increased assistance in the form of enhanced market access, long-term debt relief and increasing official development assistance (ODA). While some progress has been made, there are still some policies of developed countries that are inconsistent with the spirit of this partnership. For

instance, there is a serious lack of policy coherence in the area of trade, particularly in terms of market access for agricultural products, manufactures and services of special interest to developing countries. Some current trade policies in developed countries even undermine or nullify development assistance.

Box 1

West and Central Africa accounted for 13 per cent of world cotton exports in 2001/02. In Benin, Burkina Faso, Chad, Mali and Togo, cotton accounts for 5 to 10 per cent of GDP, more than one third of total export receipts and over 60 per cent of the value of agricultural exports. Ten million Africans depend on cotton for their livelihoods. According to the World Health Organization, the expansion of cotton production in these countries has led to an improvement in health, a result of a better diet; it has also led to an improvement in physical and social infrastructure, such as schools and health centres.

Production costs for cotton are lower in this region than in most other cotton-producing countries. However, exports from West and Central Africa have to compete with those exports from countries which subsidize their cotton producers. The subsidies have had the effect of stimulating production, leading to a reduction in world prices. The African exporters suffered a major shortfall in export earnings as a result, estimated at US$ 250 million for 2001/02 and an annual average of US$ 200 million for the preceding five years. Because of the importance of cotton to the local economy, the impact of these prices has been serious. As a result, household incomes and agricultural wages have fallen, and it is feared that health care and education will become unaffordable. (*Source*: L. Goreux (2003), "Prejudice caused by industrialized countries' subsidies to cotton sectors in Western and Central Africa".)

8. Thus, to ensure that financial, trade and aid flows have a beneficial development impact, efforts are needed to enhance global institutional and policy coherence, bearing in mind the requirements of different countries. Steps towards increasing coherence should include greater policy space and autonomy for developing countries so that they are able to integrate with the world economy, using the instruments that they think are more suitable to their economic conditions and at their own pace. It should also include greater consistency in the aid, trade, investment, debt and development cooperation policies of the developed countries. In turn developing countries need to bring the objectives of trade and financial policies in harmony with the development goals.

Box 2

To emphasize the importance of Goal 8, ministers of the Organization for Economic Cooperation and Development (OECD) issued a statement in 2002, on action for a shared development agenda, in which they encouraged policy coherence for development. It was recognized that successful poverty reduction requires mutually supportive policies across a wide range of economic, social and environmental issues. The ministers also confirmed that, through its programme on policy coherence for development, OECD would enhance understanding of the development dimensions of the policies of member countries and their impacts on developing countries. (*Source*: "Agriculture and the Millennium Development Goals", in "Key issues for policy coherence for development", OECD internal briefing paper, 26 January 2004. See http://www.oecd.org.)

B. Impact on social development

9. There are a whole range of social development objectives captured in the goals adopted by major United Nations conferences and summit meetings, including Millennium Development Goals 1 to 7. These goals commit countries to eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health and fight HIV/AIDS, malaria and other diseases, increase access to water and sanitation, generate employment and protect human rights. These goals are interrelated and are manifest in multiple ways in extreme poverty. The eradication of poverty can therefore make a significant contribution to the realization of other related goals and the reverse is also true.

10. The impact of globalization on poverty is difficult to assess. At best, it has been mixed. The number of people living in absolute poverty globally has considerably declined (see A/59/282). However, most of this improvement is accounted for by the changes in large and medium-size countries, including China and India. In other parts of the world, poverty has increased, particularly in sub-Saharan Africa. It is difficult to pinpoint a causal relationship between globalization and poverty, but there seems to be a correlation between an increase in poverty and greater economic and financial liberalization and integration, which are the defining features of globalization. Moreover, research shows that there has been an increase in income inequality in a large number of countries over the past three decades, which has direct implications for poverty eradication.

11. Globalization has impacted on the social goals or people's lives in general through trade and financial policies. For instance, trade liberalization is often seen as the cause for rising income inequality and in some situations perceived as linked to increase in poverty. Trade liberalization in Latin America, for example, has been associated with rising wage inequality.[6] One reason for this is that the import of world class technology, or the shift to high-technology exports, requires highly educated labour, which raises returns to skilled labour and reduces the demand for

unskilled labour. Opening of the financial sector, in particular for short-term capital, has contributed to large-scale speculative capital flows, leading to serious financial crises and economic setbacks which have had large social costs.

12. Increasing tax competition, together with the new doctrine in favour of a reduced role for the State, is widely believed to have reduced the fiscal capacity of Governments. In many cases, this has led to reduction in governmental expenditures that are vital to the poor, such as those on health, education and social protection.

13. In some countries, globalization has resulted in serious gender imbalance. The extent of this imbalance is largely determined by the gender equality prevailing in the norms, institutions and policies of a country at the time when integration into the global economy takes place. There is a growing body of evidence illustrating the ways in which substantial numbers of women have been adversely affected by globalization. For instance, trade liberalization has often allowed the import of subsidized agricultural products and consumer goods that have wiped out the livelihoods of women producers. At the same time, globalization has resulted in an improvement in the economic and social status of many other women as they are absorbed into the global production system.

14. While it is hard to assess a definitive impact of trade and financial liberalization on poverty and social goals in general, it is important to note that there is a clear need to ensure some degree of coherence in pursuing the development goals and policies of liberalization. Steps to liberalize the trade and financial sectors should be made consistent with the goals of social development.

C. Impact on environmental sustainability

15. The net effect of globalization on environmental sustainability is ambiguous. Open markets have facilitated the transfer of technology and ideas that leads to the efficient utilization of natural resources, cleaner production technologies and eco-efficient management strategies. Yet, at the same time, rapid industrialization and integration into the global economy have led to environmental degradation. The unsustainable patterns of consumption and production patterns of developed countries have permeated to developing countries through the increasing integration of global markets. Growing demand has resulted in over-consumption, putting greater pressures on the natural resource base, including the climate and ecosystems.

Box 3

To capture the growing markets for exports, there has been a manifold increase in the cultivation of prawns. Increasing demand in developed countries has been met by increased production in countries such as Bangladesh, India and Thailand. Aquaculture has been one of the growth industries of the decade. The foreign exchange gains have been very large, as has the scale of the environmental damage. In Bangladesh, exports of prawns generate about $320 million annually, almost one tenth of the country's total foreign exchange earnings. Production is located across a belt between Chittagong and Khulna in the south of the country, with an estimated 145,000 hectares under cultivation on 9,000 commercial farms. Few of the poorest farmers are involved in production, because of the high capital costs involved. Small producers or farmers have been sidelined. The immediate social costs have been compounded by long-term environmental damage. Since prawn farming requires large amounts of salt water to be channelled into freshwater areas, increased soil salinity has become a major problem. Local communities have also suffered as a result of the destruction of mangrove swamps, loss of freshwater fish stocks, reduced crop productivity and a reduction in grazing land. (*Source*: K. Watkins and P. Fowler, *Rigged Rules and Double Standards: trade, globalization, and the fight against poverty*, Oxfam, London, 2002.)

16. In addition to consumption and production, there is the larger question of global sustainability, which requires that domestic interests be reconciled with international goals. In this area, two issues are of particular importance: biological diversity ("biodiversity") and climate change. There is a clear need to develop a global strategy for biodiversity conservation, that is, achieving Millennium Development Goal 7. The issue of climate change is also a major challenge. Global policy and institutional coherence is essential for mitigating and adapting to climate change.

17. Ensuring sustainable development also requires simultaneously balancing various policy objectives, namely, those that foster sustainable growth and those that address environmental and social issues. Attention to any one of these objectives at the cost of another will eventually prove to be harmful and potentially irreversible. Especially since environmental and social problems accumulate over time and have consequences that do not appear in the short term. For this reason, short-term gains will in some cases have to be foregone for long-term benefits. Sustainable development therefore, not only requires coherence in policy at the local, national and global levels, but also a long-term horizon to deal with global issues for which there are no boundaries.

18. Managing the interaction among economic, social and environmental goals is, therefore, at the heart of efforts to promote coherent policy and an institutional approach to the management of globalization. This will require a great deal of intersectoral cooperation and negotiation and cross-sectoral, or integrated, implementation.

III. Promoting increased coherence and strengthening institutions

19. The commitment to promote economic growth and eradicate poverty, enhance social integration, achieve environmental sustainability and integrate into the global economy requires continued efforts to integrate more effectively policies in these areas and to coordinate institutions at the national, regional and global levels. This challenge must be addressed primarily by national policies, but it also requires the strong and sustained support of development partners in fulfilling their part of the global bargain and meeting the commitments made in Millennium Development Goal 8 and reaffirmed in both Monterrey and Johannesburg.

A. National level

20. At the national level, promoting coherence entails reconciling economic growth with employment generation, an active social policy and protection of the environment, within a consistent macroeconomic framework. In this regard, while the globalization of markets offers developing countries opportunities to benefit from a fuller integration in the world economy, it also reduces their policy options.

Building on the linkages among the three pillars of development

21. The links between social development and macroeconomic policies are multidimensional. First, macroeconomic policies are in effect only a means to an end, and not an end unto themselves. The ultimate ends of economic policy are, in the broadest sense, social. And the Millennium Development Goals are, by and large, of a social nature. Therefore, it is essential that explicit social objectives be included in macroeconomic policy-making. Second, social cohesion and an adequate accumulation of human capital are widely recognized today as crucial prerequisites for successful integration into the process of globalization. Given their central role in human capital formation, social investment policies are essential to reconciling growth and social development. Social development can, therefore, be thought of as a productive factor. In addition, macroeconomic adjustment and structural reform are more likely to be sustainable when they are equitable. More generally, a stable economy cannot be built in an unstable society.

22. In turn, social policies and programmes aimed at achieving development goals need stable funding, which largely depends upon steady economic growth. Macroeconomic instability — especially episodes of recession or hyperinflation — is harmful for both growth and social development. It increases poverty and inequality by disproportionately affecting vulnerable groups. It also acts as a deterrent for the determinants of growth, since it affects the process of savings and investment and thus reduces long-term growth and the potential for productive job creation. Hence, given their structural nature, poverty reduction and the other social development goals require a context of macroeconomic consistency and stability. This is also important for guarding against external shocks, which have become a more frequent occurrence in a globalizing world economy.

23. While the macroeconomic policy agenda is largely concerned with the short term, most determinants of growth and sustainable development are long-term in nature. Lengthening the time horizon for macroeconomic management can help

authorities to reconcile such tension. To this end, the entire business cycle would have to be used as a frame of reference. This would entail sufficient room for manoeuvre for the adoption of counter-cyclical macroeconomic policies based on multi-annual fiscal policies that set targets for public sector deficits or borrowing of a structural nature. To be sure, the short-term and long-term objectives of macroeconomic policy are, to a large extent, complementary, since more stable economic growth is one of the best incentives for fixed capital investment.

24. Social policies need sustainable funding over time, which should be provided in such a way as not to deter saving and investment decisions or job creation. In many developing countries, it may be necessary to increase gradually the overall magnitude of public expenditure and this in turn will require additional tax revenues as well as international assistance. Conversely, prudent management of scarce fiscal resources imposes the need to improve the quality and increase the efficacy of social policies. This in turn requires rigorous cost-benefit analyses of social programmes and continuous evaluation of existing programmes which sometimes outlive their utility and should be discontinued.

25. The recognition that the economic and social dimensions of development can, if correctly tackled, reinforce each other, should lead to a focus on inclusive growth in policy design. This means not only an emphasis on steady growth, price stability and fiscal balance, but an equal emphasis on full employment, equity, social protection and the provision of basic social services. Still, in order to achieve multiple and competing objectives, some important policy trade-offs will inevitably have to be confronted.

26. Income from labour is the main source of revenue for the poor. As a result, human capital formation, job creation and improvement of the quality of employment, and social protection are key factors for sustainable poverty reduction. These factors are all attainable in an environment of dynamic economic growth. Advances in these areas build upon each other. This is evident from the experiences of the countries that have benefited from globalization.

27. Human capital development contributes to poverty eradication and long-term economic growth through improved health, education and skill formation. As interventions in health, education, water, sanitation, food, technology and macroeconomic policies complement and reinforce each other, human resources development must be built on a broad range of economic and social investments. Strategic interventions can have ramifications that go well beyond each sector and add up to a virtuous circle of social and economic development. For example, implementing HIV/AIDS prevention and treatment programmes focused on educational services can avoid the reversal of past gains in educational achievements in many countries. Investments in various sectors work best when made in combination with other interventions.

28. Education is the primary means of halting the intergenerational reproduction of poverty and has become even more important because globalization has increased the need for workers who are capable of engaging in new modes of production and international competition. Women and men need broad skills that can be adapted to rapidly changing economic requirements and the appropriate basic skills that will enable them to benefit from information technology. The education of girls should be seen as a strategic intervention whose impact goes far beyond the education sector.

29. For the gains from globalization to be widely shared, people have to be able to convert global opportunities into jobs and incomes. Given its crucial role in poverty reduction and social integration, and in the light of the high unemployment rates in several countries in Africa, Latin America, and Western Asia, employment generation warrants special priority. The single most important factor for an adequate creation of quality jobs is sustained, broad-based growth. The latter requires investment in physical as well as human capital, an enabling environment and social dialogue at all levels. It is particularly important to provide the conditions for the creation of enterprises, especially small and medium-sized enterprises, starting with the financial resources needed for investment.

30. One half or more of the labour force in most developing countries is employed in the informal sector which is characterized by low levels of productivity, wages, stability and social protection. The insecurities associated with globalization reinforce the need to give priority to ensuring decent work, which requires among other things training and access to formal financial sources. Moreover, effective social protection is also important if the benefits from globalization are to be distributed fairly within countries.

31. Considerable scientific evidence points to environmental degradation as a direct cause of many of the most pressing social problems we face today, including poverty, hunger and disease. At the same time, management of a natural resource base is also essential for ensuring the long-term sustainability of economic growth. For this reason, attainment of the goal of environmental sustainability embodied in Agenda 21,[7] the Johannesburg Plan of Implementation and Millennium Development Goal 7 is essential for the realization of the development goals. Conversely, if the other development goals are not achieved, it will be exceedingly difficult to ensure environmental sustainability.

32. More specifically, advances in one sector may be dependent upon the progress made in another (e.g., access to clean drinking water contributes to the achievement of education enrolment and retention goals). There may also appear to be conflict in achieving different sectoral goals (e.g., where the installation of transportation infrastructure necessarily fragments natural habitats and threatens biodiversity and ecosystem services). Finally, synergistic relationships among goals may occur in situations in which a single intervention or package of interventions will achieve advances in multiple goals across sectors much more cost-effectively than if they were applied in a single sector. An example of this is the provision of food to primary schools by local farmers, which provides a secure market for farmers and nutrition for children.

33. The challenge is to develop policies that allow for rapid economic development without the consequent extreme environmental degradation that often accompanies such growth. The single most important criterion for meeting this challenge is that development planning in various sectors must adhere to the principles of sustainable management of ecosystems and their component resources.

Strengthening institutional and policy coherence

34. The task of implementing policies rests ultimately with institutions at the country level. Policy coherence can be translated into action only if institutional coherence is achieved. While in developed countries the challenge is to enhance institutional and policy coherence, in developing countries the challenges are

greater, since institutions either do not exist or they are often weak and ill-equipped to address the multidimensional nature of globalization. The developing countries need to develop and strengthen institutions and build capacity to deal with the multidimensional challenges of globalization and development.

35. Given the crucial links that exist among the three dimensions of development, an integrated policy framework would be necessary. Such a framework should take these links into account, as well as those among social policies (i.e., the mutually supporting effect of various social policies, in particular through integrated poverty programmes); among economic policies (i.e., linkages at the macro and meso levels, especially in facilitating the development of a dynamic small and medium-sized enterprise sector); and among environmental policies (i.e., links between water management and land management policies).

36. There is no single way to implement these efforts, and a diversity of institutional arrangements may not only be inevitable but desirable as they adapt to different social structures and feasible political arrangements. Similarly, there is no unique policy mix to tackle a given situation, and different policy options are often not neutral from a social or environmental standpoint. Hence, to ensure that social and environmental concerns are part of a coherent strategy, economic, finance and trade authorities should also be held accountable for the social and environmental consequences of their decisions.

37. An effective way to introduce greater accountability in the social and environmental dimensions of policy-making is the inclusion of social and environmental impact analysis in the design process of economic policy. This implies, inter alia, capacity-building and the development of specific policy tools by Governments. In this regard, it is critical for economic decision makers to have access to the information required for assessing, monitoring and forecasting the social and environmental consequences of their actions.

38. In all cases, closer cooperation among ministries, in particular between finance and economic ministries and those ministries responsible for social and environmental mandates, is a prerequisite. The latter need strengthening if they are to interact on an equal basis with the former. A common ground between governmental partners is often elusive. Financial constraints are often imposed upon policy makers in the so-called social ministries because economic considerations are assigned first priority. The recognition by the ministries of finance and other economic ministries that achieving social and environmental sustainability has long-term benefits is therefore essential.

39. Most countries, developed and developing, formulate and put in place concurrently a number of macro and sectoral policies and strategies. These policies and strategies are often mutually supportive and possess elements of sustainability but they are, in many cases, pursued in a disjointed manner. In many cases, the policy framework is not yet aligned with the development goals and the fundamental objective of halving the poverty rate. Too often, poverty reduction is seen as an automatic by-product of economic growth and macroeconomic stability, and equity concerns, including gender equality, are largely overlooked.

40. The poverty reduction strategy paper process, introduced as an overarching and holistic strategic plan in September 1999, has become a key planning mechanism for many developing countries. Initially required as a basis for access to

debt relief in heavily indebted poor countries, it was, from July 2002, made a requirement for all countries in receipt of assistance from the International Development Association. Poverty reduction strategy papers have given greater recognition to the importance of poverty and social impact analysis and to the need for stronger links with the Millennium Development Goals. However, a criticism of the poverty reduction strategy process has been that it has been more donor-driven than country-driven. Moreover, this process is often not linked to other national strategies, such as those for the protection of biodiversity or for combating desertification, and seldom gives adequate consideration to the environmental targets of Millennium Development Goal 7.

41. In addition, the Johannesburg Plan of Implementation re-emphasized the need, reflected in Millennium Development Goal 7, for the development of national sustainable development strategies. Such strategies should be aimed at coordinating and harmonizing the various macro and sectoral strategies, and identifying and building on complementarities. These should ideally encompass the following essential features: integration of economic, social and environmental objectives; multi-stakeholder participation, effective partnerships, transparency and accountability; and country ownership. While many countries do have the key components of such strategies in place, much work remains to be done. There is also a need to ensure that national sustainable development strategies are also consistent with the other strategies being pursued to achieve the Millennium Development Goals. Local communities have a significant role to play in the design of a national policy agenda, especially since the impact of globalization is often felt first at the local level. Strong and accountable local institutions and decentralized approaches to policy design and implementation can be an effective basis on which to build national and global agendas.

42. The importance of holding multi-stakeholder dialogues on these issues cannot be overemphasized. The establishment in many countries of participatory institutional structures or forums, with a membership that represents all stakeholders, has had some impact on high-level decision-making and on consensus-building for the formulation and implementation of national sustainable development strategies.

B. Regional level

43. Action to increase coherence at the regional and subregional levels plays a critical role as a midway point between the national and global processes for four main reasons: the complementarity that exists between global and regional institutions in a heterogeneous international community; the unequal size of the actors involved in global processes, which means that for smaller countries' voices to be heard they must be blended into a regional voice; the greater sense of ownership induced by regional and subregional institutions; and the fact that the scope for effective economic autonomy has shifted in some areas (e.g., macroeconomic policy) from the national arena to the subregional or regional level.

44. For many poor countries, in particular those which have small populations and confront major structural obstacles to benefiting from the global economy, policy-making at the national level must be integrated with that at the regional level. This need is clearest in the infrastructural sector and environmental protection, but

should be extended to human resource development, science and technology and social development. Regional integration can help in building the capabilities needed to take advantage of global opportunities.

45. Each region is at different levels of integration and cooperation and has a different set of priorities. In Africa, for example, the New Partnership for Africa's Development serves as a regional strategic framework for sustainable development, with one of the primary objectives being to reverse the marginalization of Africa in the globalization process and enhance its full and beneficial integration into the global economy. In East Asia, the achievement of greater regional financial stability is an important objective. The most noteworthy developments in this regard have been new initiatives to further monetary and financial cooperation among the 10 member States of the Association of South-East Asian Nations and China, Japan and the Republic of Korea.[8] This is also a priority in Latin America and the Caribbean, where efforts also continue towards achieving subregional trade integration mixed with a myriad of free trade agreements.

46. While regional integration and cooperation in the economic areas are being pursued by every region, there is a need to make this integration deeper and broader by focusing on the social and environmental dimensions. The European Union provides an example of deeper integration. Its cooperation covers such issues as national social protection systems, common minimum worker standards, respect for the rule of law, human rights and gender equality. Most other regions are lagging behind in incorporating policies that focus on employment, education, human rights, gender equality and social goals. Such deeper and broad integration also requires a significant level of accountability. Thus, regionally agreed social targets would need to be monitored and this could be achieved through mutually acceptable peer reviews. These reviews would greatly facilitate regional policy coherence.

47. In the area of environmental sustainability, there is not only growing recognition of the need for cooperation, but initiatives are being launched in various regions of the world. Enhanced regional cooperation in areas such as energy, desertification, freshwater, human settlements etc., was identified as one of the priorities in the Johannesburg Plan of Implementation. A number of regional organizations, such as the Association of South-East Asian Nations and the regional commissions, are already active in this area and they could help in further deepening the integration of policies.

48. Efforts at the regional level are instrumental in fostering coherence at both the national and global levels. Observable, albeit uneven, progress is being made in regional cooperation in a broad range of areas, but the potential for additional benefits remains largely untapped. The regional commissions have an important role to play in this regard.

C. Global level

49. The challenges of globalization and the realization of the internationally agreed goals, including those contained in the Millennium Declaration, require a global response that is coherent and well coordinated. While it is generally recognized that the root of global coherence lies at the national level, there are many areas or outcomes of increasing interdependence that require collective action. Such areas include international macroeconomic and financial stability, regulation of

expanding global markets, global pandemics and environmental sustainability. Still, global management of these areas takes place in compartmentalized sectors, such as trade, finance, health, social affairs, environmental issues and development cooperation. There are no mechanisms or arrangements that can adequately deal with these dimensions of global interdependence.

50. The United Nations conferences and summit meetings of the past decade have greatly contributed to forging a global consensus on an integrated development agenda which provides a practical framework for promoting policy coherence. To promote policy coherence, the goals of development have to be mainstreamed in other policies, particularly in some key aspects of economic policy. While developing countries have to ensure that their policies in each of these areas are mutually reinforcing, developed countries must guarantee that their cooperative efforts in regard to development are reinforced rather than undermined by their policies in other spheres. The Millennium Development Goals, particularly Goal 8 regarding building a global partnership for development, are a key to achieving policy coherence. Areas in which further progress is essential are coherence among the aid, trade and debt policies of developed countries, and coherence between the different degrees of international mobility of capital and labour, especially among low-skilled workers.

51. The implementation of the Monterrey Consensus is especially relevant to questions of coherence among macroeconomic, trade, finance, aid and debt policies. A detailed account of developments in these areas is given in the relevant reports. Here, it must be emphasized that while there has been some progress, particularly with regard to the quality and quantity of aid flows, overall much more needs to be done. For example, there is a need to link more closely debt policy with growth and development, by focusing on the interdependence between external financing and debt, on the one hand, and the performance of the real economy, on the other.

52. Trade is another area in which policy coherence has been lacking. There are numerous cases of the trade policies or the industrial or agricultural policies of developed countries undermining the impact of their own development assistance. There is a growing recognition that the issues of market access and trade distorting subsidies need to be addressed. On 1 August 2004, the General Council of the World Trade Organization agreed to negotiate frameworks in the areas of agriculture, market access for non-agricultural products and of services, and to reinforce the priority attached to the development dimension of the Doha work programme in order to bring about tangible and timely results for developing countries. This agreement should contribute to the efforts of developing countries and the international community to meet the Millennium Development Goals. The decision of the General Council and the agreed frameworks, among other things, represent an important step towards enhancing coherence in trade and aid policies.

53. Global mechanisms for coherence and coordination on social and environmental issues are, however, even weaker and more fragmented, making their integration with the economic dimensions more challenging. A case in point is migration. Its multidimensional implications, including remittances, are increasingly apparent and recent global initiatives to reduce their transfer costs are positive. Yet clear gaps in the migration regime are not being filled, particularly the need for a common policy framework that makes the process more orderly. International

conventions relating to the human and labour rights of migrants and their families have been ratified so far by only a handful of countries.

54. Also, the environmental aspects are not being appropriately integrated into the equation. The broad picture regarding the realization of Goal 7 is not very promising. Even regions that have made significant progress towards achieving many of the other Goals, such as parts of East Asia, have shown very little progress insofar as environmental protection. On most key indicators, from deforestation to land degradation and from water pollution to fisheries, the trend is not very encouraging. Progress made in the implementation of the global conventions has been mixed. This lag in coherence in integrating the environmental dimension has consequences for the overall progress in achieving the Millennium Development Goals.

55. The quest for coherence in policy-making and norm-setting at the global level is rendered even more complex than at the national level by the presence of many independent institutions which have different structures and functions in related fields and which are accountable to varying memberships. In this regard, the Millennium Development Goals provide a broad framework for coherence not only among country policies and programmes but also among multilateral institutions. Indeed, they have contributed to reshaping the United Nations system's work on development issues, particularly at the country level, and have contributed to a more coherent and coordinated approach to support programmes. The United Nations Development Group has in particular organized its work around the Goals and has developed new guidelines for the United Nations Development Assistance Framework to be built explicitly around them.

56. Moreover, the Monterrey Consensus has established a venue, with the Economic and Social Council's annual meetings with the Bretton Woods institutions and the World Trade Organization, where issues of coherence between development, finance and trade are addressed. These dialogues have made tangible progress in the level of engagement of these institutional stakeholders. The high-level segments of the Council and of the Commission on Sustainable Development have also provided useful platforms for dialogue among the various authorities and could be used more actively for the purpose of enhancing coherence at all levels, particularly at the global level.

57. Recent proposals have provided a number of options to enhance dialogue on the key issues which include social and environmental dimensions. They merit careful consideration and further elaboration, particularly the proposal for policy coherence initiatives to be undertaken by the relevant organizations on such key issues as employment creation, reduction of poverty, gender equality, education, health, food security and human settlements. The objective of such initiatives would be progressively to develop integrated policy proposals that appropriately balance economic, social, environmental and developmental concerns. Such initiatives are particularly important for addressing the impact of trade, monetary and fiscal policies.

58. At the global level, there is a need to take measures to ensure that developing countries have some policy flexibility and space in managing their integration into the world economy. For instance, there are existing agreements, such as the Agreement on the Trade-related Aspects of Intellectual Property Rights, which might reduce the ability of developing countries to tailor national policies to their

specific needs. Similarly, there is also a growing tendency, particularly in the area of trade, towards an excessive harmonization of regulatory standards in developing countries. Such standard-setting could reduce the policy flexibility that is required for managing the risks of integrating into the global economy.

59. At the global level, there is growing recognition that international governance structures should evolve to broaden and strengthen the participation of developing countries and countries with economies in transition in international economic decision-making and norm-setting. This would also help to promote policy coherence and to make these institutions more supportive of efforts to achieve the development goals. This was also recognized in the Monterrey Consensus. However, the political will to comprehensively address this important issue has not yet been fully mobilized.

60. A striking feature of globalization has been the rapid growth in the influence and contribution to global priorities of civil society organizations, as like-minded organizations in many countries come together, empowered by the Internet with access not just to information but to each other and a wider world. Civil society organizations raise public awareness, undertake research, mobilize public opinion and help to ensure system accountability. Through growing global networks, they contribute to building integrated perspectives on global issues. They have also played a key role in mobilizing support for the Millennium Development Goals. In developed countries, particularly in Europe, there is growing support for the Goals with a broad, civil society-led coalition being set up to focus on the 2005 review of the implementation of the Millennium Declaration under the rubric of "Make poverty history".

IV. Conclusions and recommendations

61. There are two main aspects of forging coherence in advancing the development goals in a globalizing world economy. First is promoting coherence among the economic, social and environmental dimensions of the goals and the second is achieving harmony and consistency between these goals and the policies for integration into the global economy while managing the risks involved. These are formidable challenges and require a well-coordinated response. At the national level, these challenges need to be addressed by building stronger institutions, enhancing coordination among various parts of government, investing in economic and social infrastructure, including education and health, generating employment, providing opportunities for training and skill acquisition, addressing environmental sustainability concerns and promoting broader participation. At the regional level, there is a need to broaden and deepen regional integration and to foster coherence through greater coordination of policies and through peer reviews. While some regions have taken the necessary steps to achieve these ends, others lag behind. At the global level, there is a need to strengthen multilateral institutions and to enhance coordination and dialogue among them, promote consistency in the aid, trade, external debt and development cooperation policies, launch policy coherence initiatives and provide policy space for developing countries, provide a forum for dialogue among policy makers dealing with the economic, social and environmental aspects of development and facilitate broad-based participation in international decision-making.

A. Recommendations

National level

62. Measures should be instituted to promote a "whole-of-government" approach. In developing countries, this will require assistance in building institutions and capacity for enhanced policy coordination.

63. The establishment of effective mechanisms to ensure coordination among economic, social and environmental authorities, to raise public awareness and encourage consideration and integration of the social and environmental impact of economic policy should be promoted. Gender perspectives should be mainstreamed into all national policies and programmes.

64. Investment in the health and education sectors should be enhanced. Efforts in education should focus on achieving universal coverage for girls and boys, improving school retention and completion rates, the large-scale use of new technological resources and the allocation of sufficient public funds to formal education and training programmes. The education of girls should be seen as a strategic intervention.

65. Efforts should be made to increase the rate of growth of new jobs that yield incomes above the poverty line. At the same time, policies and programmes to raise the productivity and incomes of those that remain in sub-poverty employment in the informal economy should be developed. Appropriately funded programmes should therefore be designed to provide informal workers with training and access to formal financial sources and social protection.

66. Measures are required to ensure that development strategies promote coherence among the various dimensions of development goals. Efforts by countries and institutions to develop poverty reduction strategy papers linked to the Millennium Development Goals should be further pursued; the papers should incorporate detailed needs assessments, identifying appropriate plans for scaling up investment in critical areas. Incentives to integrate environmental factors into the papers should be created, including by channelling additional environmental funding into national poverty reduction strategy paper processes.

67. Efforts should be made to promote the adoption of national sustainable development strategies in countries that have not yet done so. Such strategies should be consistent with the development goals and become tools for promoting coherence and consistency in national policies. Training and capacity-building are basic requirements for assisting countries in this process.

68. In Member States in which national economic and social councils, national councils for sustainable development or similar mechanisms do not exist, consideration should be given to the expeditious establishment of such mechanisms, with a view to enhancing broad-based participation in the national policy formulation and implementation processes. A dialogue of these national councils could be convened in preparation for the review of the Millennium Declaration, to be held in 2005.

Regional level

69. Measures should be taken to expand the scope of regional cooperation to include social and environmental issues, deepen policy integration and promote institutional coherence.

70. Consideration should be given to establishing arrangements for the mutual review of policies and programmes at the subregional, regional and international levels in support of agreed development goals and commitments. Where already in place, these arrangements should be further strengthened in order to ensure that the process of globalization promotes the achievement of the development goals.

71. The regional commissions should make more use of their regular intergovernmental meetings to address issues of coherence at the regional level. Such meetings should contribute to bridging institutional gaps among the national, regional and global processes in response to globalization. The regional commissions could also encourage the holding of periodic regional dialogues on the multiple dimensions of globalization, with a view to promoting the Millennium Development Goals as a framework for addressing them.

Global level

72. Coherence in the multilateral system should be promoted, particularly in trade, aid and macroeconomic policies, which should be made mutually supportive. The Governments of developed countries should endeavour to make their national policies consistent with efforts to achieve the development goals.

73. Coordination among global institutions dealing with development, finance and trade issues should be enhanced. In this context, the organizational session of the Economic and Social Council each year provides an important forum for promoting policy coherence. Ways and means should be explored to make this dialogue more productive and ensure a fuller engagement of trade stakeholders.

74. Interaction and dialogue among main actors in the economic, finance, trade, social and environment spheres should be facilitated. In this regard, the organizational session of the Economic and Social Council and the high-level segments of the Council and of the Commission on Sustainable Development might be used more effectively.

75. Organization of the United Nations system should be encouraged to launch policy coherence initiatives so as to address all dimensions of the development goals, leading to policies that make these goals mutually supportive.

76. An international dialogue on measures which would provide developing countries with the policy space and flexibility to manage the risks of integrating into the global economy should be promoted.

77. Tangible progress should be made in enhancing the participation of developing countries in international economic decision-making. As is widely recognized, such participation would help to make decisions more balanced and more supportive of development goals. To this end, the international community should continue to search for acceptable solutions that can lead to a possible breakthrough in this area.

Notes

[1] See General Assembly resolution 55/2.

[2] Reports of the Secretary-General on the implementation of the United Nations Millennium Declaration (A/59/282), the international financial system and development (A/59/218), the external debt crisis and development (A/59/219), the state of implementation of the Monterrey Consensus, including the follow-up to the implementation of the outcome of the International Conference on Financing for Development (A/59/270), and international trade and development and developments in the multilateral trading system (A/59/305).

[3] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[4] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 1, annex.

[5] These goals cover a wide spectrum of development issues which are equally important but cannot be considered individually in the present report. In order to present a concise and cogent view, the goals have been placed in three broad categories, namely, social development, environmental protection and economic growth.

[6] See Peter Lindert and Jeffrey Williamson, "Does globalization make the world more unequal?", National Bureau of Economic Research working paper No. w8228, April 2001. Available at http://www.nber.org/papers/w8228.

[7] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

[8] See the report of the Secretary-General on the international financial system and development (A/59/218).

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Future operation of the International Research and Training Institute for the Advancement of Women

Report of the Secretary-General**

Summary

The present report provides details on the progress in revitalizing the International Research and Training Institute for the Advancement of Women (INSTRAW). As part of the revitalization process, an Executive Board mandated by Economic and Social Council resolution 2003/57 of 24 July 2003 was constituted and held its first session on 27 July 2004. Since the last report of the Secretary-General submitted to the General Assembly (A/58/417), INSTRAW has undertaken a number of important initiatives, including launching of a redesigned web site, strengthening cooperative arrangements with United Nations entities, expanding its research programme, intensifying its fund-raising campaign, and enhancing communications with Governments, civil society, academia and the private sector.

* A/59/150.

** Submission of the present report was delayed in order to reflect the deliberations of the first session of the Executive Board of the United Nations International Research and Training Institute for the Advancement of Women, held on 27 July 2004.

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I. Introduction

1. In its resolution 58/244 of 23 December 2003, the General Assembly decided to continue to provide its full support to the current efforts to revitalize the International Research and Training Institute for the Advancement of Women (INSTRAW) and requested the Secretary-General to report to the Assembly at its fifty-ninth session on the implementation of that resolution. In its resolution 2003/57 of 24 July 2003, the Economic and Social Council decided to amend the statute of the Institute, including the establishment of an Executive Board of INSTRAW to replace the Board of Trustees; and also requested the Secretary-General to report to the Assembly at its fifty-ninth session on the implementation of Council resolution 2003/57.

2. The present report is submitted in response to the above requests of the General Assembly and the Economic and Social Council. A report of the Secretary-General on the financial situation of INSTRAW as requested in paragraph 5 of Assembly resolution 58/244 and paragraph 8 of Assembly resolution 57/311 of 18 June 2003 will be submitted separately. Similarly, the report of the Institute to the Assembly requested in paragraph 7 of Assembly resolution 57/311 will be submitted once the programme of work and the budget of INSTRAW for 2005 have been considered and approved by the Executive Board in accordance with paragraph 3 (b) of article III of the revised Statute of INSTRAW (Council resolution 2003/57, annex).

II. Commission on the Status of Women and the substantive session of 2004 of the Economic and Social Council

3. At its forty-eighth session, the Commission on the Status of Women heard a statement by the Director of INSTRAW and discussed the situation of the Institute. In its resolution 48/1 of 11 March 2004,[1] of which the Economic and Social Council took note at its substantive session of 2004 (see Council decision 2004/239 of 21 July 2004), the Commission noted the activities undertaken by the Director and invited Member States to make voluntary contributions to the United Nations Trust Fund for the United Nations International Research and Training Institute for the Advancement of Women. In the same resolution, the Commission also called upon the Secretary-General and the United Nations system to continue to strengthen their support to the current efforts to revitalize INSTRAW.

4. At its substantive session in July 2004, the Economic and Social Council reviewed the situation of INSTRAW, in light of a briefing by the Director of the Institute and her report contained in the annex to document E/2004/66.

III. First session of the Executive Board of INSTRAW

5. In its resolution 2003/57, the Economic and Social Council amended article III of the statute of the Institute in order to replace the Board of Trustees with an Executive Board. In accordance with article III of the revised INSTRAW Statute, the Board consists of two governmental representatives from each of the five regional groups of the United Nations, and the Director of INSTRAW, the Under-Secretary-General for Economic and Social Affairs, a representative of the host

country and a representative of each of the regional commissions of the Council serving as ex officio members of the Board.

6. On 24 June 2004, the Economic and Social Council constituted the Executive Board by electing two governmental representatives to fill two remaining vacancies. The Board now comprises the following members: Burkina Faso, the Czech Republic, El Salvador, the Islamic Republic of Iran, Italy, Mexico, Nigeria, the Philippines, Romania and Spain.

7. The first session of the Executive Board of INSTRAW was convened at United Nations Headquarters on 27 July 2004. The Under-Secretary-General for Economic and Social Affairs, in his opening remarks, stated that the goal for INSTRAW was to regain its visibility and re-establish its status and credibility as a key institution for the promotion of women's empowerment and gender equality within the United Nations system. He also emphasized the importance of coordination and collaboration within the United Nations system in the revitalization of INSTRAW and encouraged members of the Board to lead the fund-raising efforts for the Institute. Spain, which chaired the Working Group on the Future Operation of the United Nations International Research and Training Institute for the Advancement of Women, stressed the importance of the revised statute of INSTRAW which offers new opportunities for active participation by Member States in the revitalization of the Institute.

8. The Director of INSTRAW briefed the Executive Board on the ongoing activities of the Institute and presented a draft framework of the strategic plan 2004-2007 for the Board's consideration and approval.

9. The Executive Board considered and approved the framework of the strategic plan 2004-2007. It instructed the Director of INSTRAW to present the programme of activities and a budget proposal for 2005 at its next session, to be held in early October 2004.

10. The Board also considered issues related to the financial situation of INSTRAW. It noted that sufficient resources were available for the Institute to continue throughout 2004 and decided to further review the financial situation of the Institute at its next session. To facilitate the review, the Board requested, for the next meeting, a financial report on detailed expenditures, budget provisions, pledges and contributions received.

11. The Board took a number of organizational decisions. Spain was elected to the Presidency of the Board and El Salvador and the Philippines were elected as Vice-Presidents. One of the Vice-Presidents will also act as Rapporteur. Among other organizational decisions taken by the Board was the approval of the rules of procedure of the functional commissions of the Economic and Social Council as the interim rules of the Board. The Director was requested to prepare draft rules of procedure in consultation with the Office of Legal Affairs and the Department of Economic and Social Affairs of the United Nations Secretariat, and present the draft rules at the Board's next session.

12. The Board expressed its satisfaction at the launching of the revised web site of INSTRAW and at the efforts that had been undertaken for its revitalization.

IV. Framework of the strategic plan 2004-2007

13. The framework of the strategic plan 2004-2007 endorsed by the Executive Board outlines the mission, overarching goals and strategies to guide the work of the United Nations International Research and Training Institute for the Advancement of Women in support of the agenda for gender equality and women's advancement. The strategic plan is based on the INSTRAW mandate as set out in Economic and Social Council resolution 1998 (LX) of 12 May 1976 and Council decision 1984/124 of 24 March 1984 endorsed by the General Assembly in its resolution 39/122 of 14 December 1984. The strategic plan recognized that the mandate on which INSTRAW was founded had been augmented by successive Assembly and Council resolutions and decisions. In its paragraph 334, the Beijing Platform for Action[2] had called upon INSTRAW to identify priority types of research, strengthen national capacities to carry out women's studies and gender research, inter alia, on the status of the girl child, and develop networks of research institutions. In addressing ways to advance women's empowerment, in line with decisions and strategies agreed to at a series of major world conferences and summits and their follow-up, particularly the Millennium Summit, the Fourth World Conference on Women and the twenty-third special session of the Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", the Assembly, the Council and the Commission on the Status of Women had emphasized the role of INSTRAW as the only entity in the United Nations system devoted entirely to research, training and information on gender equality.

14. The strategic plan emphasized that the mission of INSTRAW is to serve as a major catalyst in gender initiatives, by promoting gender-related applied research, information-sharing and supporting capacity-building. INSTRAW is committed to continuing to work towards becoming a recognized leader in strategic and innovative approaches towards achieving gender equality and making a difference in women's lives by focusing on four strategic areas: applied research, information sharing and dissemination, capacity-building, and its own institutional development. The strategic plan outlines key programmatic areas for the future work of INSTRAW, specifically: migration/trafficking; reproductive rights; women's political participation, including women and peace; changing cultural patterns for gender equality; women's sexual and reproductive rights; mainstreaming of gender perspectives; and indigenous women.

V. Recent and planned activities aimed at the revitalization of the Institute

A. Institutional development of INSTRAW

15. The present section should be read in conjunction with the report of the Director of INSTRAW submitted to the Economic and Social Council at its substantive session of 2004 (E/2004/66, annex).

16. During the reporting period, the Institute focused on reactivating contacts with stakeholders, strategic planning and preparation of a portfolio of projects, ongoing research, expansion and enhancement of the technical structure of the Gender Awareness Information and Networking System (GAINS).

17. The efforts towards the revitalization of the Institute focused on building trust and commitment of stakeholders, through reactivating key contacts. The Institute undertook strategic planning, prepared a portfolio of outlines for projects in areas in which a positive contribution could be made and, after consultations with potential partners, proceeded to finalize those that had been positively received by both prospective donors and executing partners.

18. Fund-raising activities have been a priority and a central activity of the Director of the Institute. In addition to the contacts described in paragraph 15 of the Director's report (E/2004/66, annex), since May 2004, the Director of INSTRAW has undertaken a focused fund-raising campaign by visiting China, Italy, the Republic of Korea, Morocco and Spain where she held discussions with government representatives, parliamentarians, members of academia, non-governmental organizations and the private sector.

19. Another major direction of the Director's activities during the reporting period was the strengthening of collaborative arrangements within the United Nations system, particularly on issues of gender mainstreaming. It is anticipated that the interaction of the Institute with the United Nations system will take various forms: the organization of parallel events during major conferences, preparation of joint position papers for preparatory sessions of those conferences, provision of advisory services to other United Nations entities, bringing officials forward as experts for seminars on issues of common interest, and a systematic dissemination to relevant entities of information on INSTRAW research. The Director continued consultations with a view to strengthening working relations with the International Labour Organization (ILO), the International Telecommunication Union (ITU), the Joint United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (UNAIDS), the United Nations Office for Project Services, the Office of the United Nations High Commissioner for Human Rights, the World Health Organization (WHO), and the World Intellectual Property Organization (WIPO), as well as the Food and Agriculture Organization of the United Nations (FAO), the International Fund for Agricultural Development (IFAD) and the World Food Programme (WFP).

20. The Director represented INSTRAW at the Third Meeting of the Working Group on Gender Issues held at ITU headquarters from 30 June to 2 July 2004, and at the ninth session of the Regional Conference on Women in Latin America and the Caribbean, held at Mexico City from 10 to 12 June 2004.

B. Research

21. Recently, INSTRAW has been promoting gender-related research in two thematic areas: financing for development and remittances. Other thematic areas where INSTRAW is planning to participate in joint research activities with other United Nations entities include trafficking in women, and women's contribution to international peace and security.

22. With regard to the issue of financing for development, INSTRAW has published a study, launched on 21 July 2004 during the substantive session of the Economic and Social Council, that analyses the outcome document of the International Conference on Financing for Development, the Monterrey Consensus of the International Conference on Financing for Development,[3] from a gender

perspective. According to that study, the market liberalization policies that would underlie some of the Conference's recommended actions do not reflect a needed recognition of the adverse consequences and social costs for women. The study also argues that gender concerns and the adverse distributive consequences of those policies are not discussed or addressed appropriately in the outcome document.

23. The study calls upon Governments and international institutions to recognize the crucial role of the economic empowerment of women and their contributions in both market and non-market sectors of the economy, and offers strategies of action for Governments, and international and civil society organizations, particularly women's organizations. The study is available in English, French and Spanish. In respect of the issue of gender aspects of remittances, preparations for a conference are under consideration.

24. As regards other thematic areas, an occasional paper entitled "Overcoming the Gender Digital Divide: Understanding Information and Communication Technologies and their Potential for the Empowerment of Women"[4] has been posted on the web site in three official languages as well as widely distributed in printed form.

25. In collaboration with the Santo Domingo Field Office of the International Organization for Migration (IOM), INSTRAW has been working on updating a pilot project on trafficking in women. INSTRAW participated in a forum organized by a coalition of non-governmental organizations and Santo Domingo-based United Nations entities in July 2004 on the theme "La reforma penal: hacia la construcción del consenso social" (Penal code reform: towards the construction of a social consensus). The forum discussed the proposed reforms to the Dominican Penal Code and their possible impacts on Law 24-97 against Domestic and Sexual Violence, enacted in the Dominican Republic.

C. Information and communication

26. The Institute also undertook an overhaul of its web site with a view to modernizing it, making it more user-friendly, giving it a well-defined niche, and complying with the strategic goal of sharing and dissemination of information. The substantially revised site is expected to facilitate networking and to be a central instrument for capacity-building and cooperative research. In particular, the new web site strengthens communications with government agencies, the United Nations system, civil society, academia and the private sector, and will be instrumental in allowing INSTRAW to operate as a clearing house for gender-related research and information. The Institute launched its redesigned web site on 22 July 2004 at an Economic and Social Council side event.

D. Capacity-building

27. The holding of virtual seminars on gender and remittances and financing for development is planned to be held in the second half of 2004. Identification of opportunities available for further online training and capacity-building will be pursued.

28. Proposals for two projects, one on connectivity and the other on social cohesion, are also being prepared.

29. INSTRAW continues to assist women's non-governmental organizations, academia and other institutions in the Dominican Republic that work on gender issues. This has included co-sponsoring the publication of a compilation of their works on gender and communication entitled *Un periodismo que refleje el mundo*.

E. Networking

30. Within the context of enhancing the Institute's networking capacity, further assessment of GAINS was undertaken by identifying the types of institutions working with INSTRAW. The existing networks will be restructured into more feasible interactive arrangements within the United Nations system and civil society in order to facilitate the exchange of information and promote best practices.

VI. Management and staffing

31. The work of the Institute is carried out with a small staff: a Director (D-2) appointed on 4 December 2003, a Social Affairs Officer (P-3), an Associate Social Affairs Officer (P-2), an Administrative Officer and five General Service staff members. All Professional and General Service posts have been filled. The functions of the former P-2 post of Associate Social Affairs Officer were redefined to provide INSTRAW with expertise in the fields of information and communication technologies (ICT). The post has been filled since 31 May 2004. Under the sponsorship of the United Nations Volunteers Programme, the Institute received the support of a volunteer, assigned to INSTRAW until 30 September 2004, with expertise in the fields of ICT and gender. INSTRAW also retains a webmaster and a systems administrator to secure the logistic and technical support required for the overhauling of the web site, thereby eliminating continuous reliance on the services of a consultant.

32. The Institute's internship programme facilitates bringing young research interns from all over the world to work at INSTRAW on gender issues. During the reporting period, under the internship programme, four interns conducted research on new and emerging issues and assisted the staff in the preparation and translation of web-site content. INSTRAW will continue to seek partnerships, including financial support, with Governments and academia so as to increase the contribution of interns to the work of the Institute.

33. Substantial efforts have been made to upgrade and strengthen the data management, communication and networking capacities of the Institute. The Institute's hardware has been upgraded, its access to the Internet has been improved, and its information back-up and management systems are being enhanced to increase the capacity of INSTRAW for networking services. The Institute's internal archives for 2004 have been digitized to facilitate internal information back-up, storage and sharing. Efforts are under way to digitize archives for the period 2000-2003, and to standardize the process of backing up information. The software used by the Institute has been updated and reinstalled to improve information management and access to resources necessary to maintain the presence of INSTRAW on the Web. The security of the Institute's networking is being increased through the use of security and anti-virus software, an increase in the Institute's bandwidth for Internet access, and the development and implementation of a set of standards and guidelines for the coordination of the Institute's local area network (LAN).

VII. Concluding remarks

34. During the past year, the constitution of the Executive Board of INSTRAW and the appointment of the Director were major contributing factors to the revitalization of INSTRAW. In accordance with the revised INSTRAW statute, the Executive Board plays a vital role, including the formulation of policies for activities of INSTRAW, and approval of its work programme and budget, as well as reporting to the Economic and Social Council and, where appropriate, to the General Assembly. At its first session, held on 27 July 2004, the Board took a number of important decisions, including the approval of the framework of the strategic plan of INSTRAW. On the basis of the strategic plan, INSTRAW will prepare its programme of work and budgetary requirements for 2005, for consideration by the Board in October 2004.

35. The Director of INSTRAW, ably assisted by the staff of the Institute, undertook a number of important strategic initiatives, including the redesign of the INSTRAW web site, the strengthening of cooperative arrangements with United Nations entities, the expansion of its research programme, the intensification of its fund-raising campaign, the enhancement of communications with government agencies, civil society, academia and the private sector, and the strengthening of training, capacity-building and outreach activities.

36. With the preparation of the programme of work and the related budget, as well as the portfolio of projects, the first phase of the revitalization of the Institute, focusing on strategic planning and establishment of goals, principles, critical areas and themes, will be completed.

37. The full implementation and success of the revitalization process of INSTRAW are dependent on the broad support of Governments, including the availability of the necessary financial resources for the operation of INSTRAW. The implementation of the Institute's work programme and strategic plan may contribute to the review and appraisal of the implementation of the Beijing Declaration[5] and Platform for Action[2] and the outcome document of the twenty-third special session of the General Assembly.[6]

38. In conclusion, the Secretary-General would like to thank all those involved in the revitalization process of INSTRAW. It is hoped that the Institute's future activities will receive the necessary political and financial support.

Notes

[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 7* (E/2004/27), chap. I, sect. C.

[2] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

[3] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex).

[4] INSTRAW Research Paper Series, No. 1 (April 2003).

[5] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

[6] General Assembly resolutions S-23/2, annex, and resolution S-23/3, annex.

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Security Council
Fifty-ninth year

Letter dated 30 August 2004 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General

I have the honour to transmit the attached memorandum on the question of Western Sahara (see annex).

I should be grateful if you would arrange for the present letter and the memorandum to be circulated, before 15 September 2004, as an official document of the General Assembly, under item 20 of the provisional agenda, and the Security Council.

(*Signed*) Martin **Andjaba**
Ambassador and Permanent Representative

* A/59/150.

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Annex to the letter dated 20 August 2004 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General

Memorandum by the Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro on the question of Western Sahara addressed to the Member States of the United Nations

In the aftermath of the military invasion and occupation of Western Sahara by the Moroccan army in October 1975, made possible by the renunciation on the part of the former colonial Power, Spain, of its responsibilities under the Charter of the United Nations, the international community has constantly been active in its efforts aimed at bringing about the decolonization of Western Sahara, the last colonial case in Africa.

I

The resolute work undertaken to that end by the Organization of African Unity (OAU, now the African Union) between 1976 and 1984 was frustrated by the lack of cooperation and of good faith of Morocco, whose intransigence and persistence in trying to legitimize the fait accompli of its illegal occupation of Western Sahara led OAU in 1984 to recognize and admit, as a member State, the Saharawi Arab Democratic Republic.

Instead of rectifying its conduct, the Government of Morocco decided to persist in its rebellion against African and international legality and thus withdrew from OAU.

II

In the framework of General Assembly resolution 40/50 of 2 December 1985, the Chairman of OAU and the Secretary-General of the United Nations in 1986 began a joint mediation aimed at obtaining acceptance by the two parties to the conflict — Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro (Frente POLISARIO) — of a settlement plan whose essential aim was "to enable the people of the Territory to exercise their inalienable right to self-determination and independence under conditions acceptable to them and, hence, to the international community" (para. 6 of the Secretary-General's report of 18 June 1990 (S/21360)).

The settlement plan was officially accepted by both Morocco and the Frente POLISARIO, thus allowing the Security Council to approve the plan in its resolution 658 (1990). The following year, the Security Council approved the deployment in the territory of the United Nations Mission for the Referendum in Western Sahara (MINURSO), with the explicit mandate of holding a referendum for self-determination at a specified date "not later than February 1991" in accordance with the timetable for the implementation of the settlement plan as approved by the Security Council in its resolution 690 (1991).

III

However, and with the clear intention of trying to implicate the United Nations in falsifying the lists of voters for the referendum in a way that would allow

Moroccan settlers to take part in the vote, the Government of Morocco engaged in policies of distortion and obstruction aimed at thwarting the implementation of the settlement plan. Those policies brought the entire peace process to a long stalemate that lasted until April 1997, when the new Secretary-General of the United Nations, Kofi Annan, appointed the former United States Secretary of State, James Baker III, as his Personal Envoy for Western Sahara.

Mr. Baker managed to bring the two parties to the negotiating table in an attempt to overcome the difficulties that had caused the deadlock in the peace process. The negotiations culminated in the signing by Morocco and the Frente POLISARIO of the Houston Agreements (Texas) in September 1997. By virtue of those Agreements, the referendum could have been held at the end of 1998 in accordance with the timetable presented by the Secretary-General to the Security Council in his report of 24 September 1997 (S/1997/742 and Add.1).

In fact, the Secretary-General estimated in that report that (paras. 26 and 27):

> "With these agreements ... the main contentious issues that had impeded the implementation of the plan have thus been satisfactorily addressed ... These achievements create the conditions to proceed towards the full implementation of the settlement plan, starting with the resumption of the identification [of voters]."

IV

Once again, Morocco reverted to its policies of obstruction, when MINURSO published, in February 2001, the list of persons entitled to take part in the referendum on the decolonization of Western Sahara. Morocco concluded that, if held, the decolonization referendum would lead Western Sahara to independence, an outcome that it was not willing to accept, and then decided to gradually derail the entire peace process.

In his recent interview broadcast on 19 August 2004 by PBS, an American television station, Mr. Baker stated: "The closer we got to implementing the settlement plan ... the more nervous I think the Moroccans got about whether they might not win that referendum."

Indeed, as recognized by the Secretary-General in paragraph 48 of his report of 19 February 2002 (S/2002/178), "Morocco has expressed unwillingness to go forward with the settlement plan". From the policy of partial obstruction, Morocco had passed to sheer reneging on the commitment that it had officially made before the Security Council in 1990, when it declared its acceptance of the settlement plan.

In his interview with PBS, Mr. Baker's assessment leaves no doubt about Morocco's responsibility for the failure of United Nations efforts undertaken so far to resolve the conflict:

> "For 10 or 11 years Morocco said publicly and privately that it wanted the settlement plan and wanted the referendum and then towards the very end, right after the voter list had been drawn up and the voters had been identified, it said, 'Well, it's no longer applicable, we're not going to go forward with the settlement plan'."

After several months of impasse, the Secretary-General and his Personal Envoy resumed their efforts to overcome the situation created by Morocco's

rejection. Those efforts led, in January 2003, to the preparation of the Peace Plan for the Self-Determination of the People of Western Sahara.

V

The Peace Plan contained in the Secretary-General's report of 23 May 2003 (S/2003/565 and Corr.1) envisages that, at the end of (a) a transitional period of five years (the settlement plan provided for six months), the United Nations would hold (b) a referendum for self-determination that would enable the Saharawi people to choose between national independence, integration with the occupying Power or the continuation of the transitional period (a new element not contemplated in the settlement plan). The scope of (c) the electoral body that would participate in that referendum (particularly crucial for the future of Western Sahara) was extended in order to include, in addition to the Saharawi native population of the Territory as foreseen in the settlement plan, the "residents" (Moroccan civilians) in Western Sahara between 1976 and December 1999.

Although this was a proposal containing elements that were clearly at odds with the original settlement plan, the Saharawi side decided, in early July 2003, to accept it, as evidence of a sincere will for peace and cooperation with the efforts of Mr. Baker and the Secretary-General.

The Security Council, following a lengthy debate, decided in its resolution 1495 (2003) of 31 July 2003 to "strongly support the Peace Plan" and to call upon the parties to work towards the "acceptance and implementation" of it.

Nevertheless, Morocco was to surprise everyone with what appeared to be a clear attitude of rejection of the Peace Plan. In the above-mentioned interview, Mr. Baker indicated with regard to Morocco's opposition to the Plan: "The Moroccans concluded that they were not even willing to risk a vote under those circumstances."

The pretexts put forward by Morocco for sustaining its negative response to the new proposal were not accepted by the Security Council, which, in its resolution 1495 (2003), pledged its full support for the Peace Plan. The Council thus deemed relevant the arguments advanced by the Secretary-General and his Personal Envoy in the above-mentioned report of 23 May 2003, which demonstrated that the position of Morocco was particularly untenable. In effect, in paragraph 51 of the report, the Secretary-General stated:

> "The main objection of Morocco to the Peace Plan seems to be that in the referendum to determine the final status of Western Sahara, one of the ballot choices is independence. However, independence is also one of the two ballot choices under the settlement plan [of 1990-1991] which Morocco had accepted."

In the following paragraph, he considered the Moroccan objection indefensible from the standpoint of international legality:

> "It is difficult to envision a political solution that, as required by Security Council resolution 1429 (2002), provides for self-determination but that nevertheless precludes the possibility of independence as one of several ballot questions."

It is in fact this exclusion that Morocco is seeking.

The Secretary-General did not, however, close the door on the possibility that Morocco would reconsider its position. In that context, the Security Council, after pledging its full backing in resolution 1495 (2003) to the proposal presented by Mr. Baker, agreed to extend the mandate of MINURSO until October 2003.

In his report of 16 October 2003 (S/2003/1016) and in the face of Morocco's persistence in its entrenched attitude of rejection, the Secretary-General formally launched a call to the Government of Morocco. Thus, in paragraph 27, he stated that:

> "The peace plan represents a fair and balanced approach to the question of Western Sahara ... The acceptance of the Peace Plan by the Frente POLISARIO now offers a window of opportunity for solving the long-standing dispute. I urge Morocco to seize the opportunity and positively engage in the process by accepting and implementing the Plan."

In paragraph 28, the Secretary-General expressed "the sincere hope that by that time, the Kingdom of Morocco will be in a position to engage positively in implementing the Plan. If not, I will revert to the Security Council in January with my views on the future of the peace process in Western Sahara, as well as on the mandate of MINURSO."

VI

By January 2004, Morocco had not given any positive response. The Security Council again extended the mandate of MINURSO until the end of April.

In his report of 23 April 2004 (S/2004/325 and Add.1), the Secretary-General and his Personal Envoy informed the Security Council of the *definitive rejection* by Morocco of the Peace Plan. In fact, in its response, which appears as annex I to the report, Morocco rejects the implementation of the principle of self-determination for the Saharawi people, an inalienable right that constitutes the backbone of the United Nations doctrine related to Western Sahara (as expressed by the Security Council, the General Assembly and its Special Political and Decolonization Committee (Fourth Committee) and the International Court of Justice).

Instead, the only thing that Morocco has shown willingness to consider is an arrangement that a priori excludes the right of the Saharawi people to independence. This plan would be, according to the official response given by Morocco, "an autonomy (for Western Sahara) within the framework of Moroccan sovereignty". Morocco, according to paragraph 5 of the report of 23 April 2004, insists that an "autonomy-based political solution can only be final". The Secretary-General rejected that position since it "has adverse implications for self-determination, as called for in resolution 1429 (2002) [of the Security Council]" (S/2004/325, para. 5).

VII

The claim to sovereignty made by Morocco with regard to Western Sahara and its subsequent invasion of the Territory were the cause of the conflict that began in 1976. In this sense, the Secretary-General and his Personal Envoy came to affirm, in their report of 23 April 2004, that in fact "the issue of sovereignty is, of course, the fundamental issue which has divided the parties for all these years" (S/2004/325, para. 5).

In accordance with international legality, only a free and fair referendum for self-determination of the people of the Territory, organized and supervised by the United Nations, could settle this question, something that Morocco now rejects out of hand, despite the fact that it had already accepted the referendum as provided for in the original settlement plan of 1990-1991. Furthermore, the Moroccan claim of sovereignty had already been categorically rejected by the two entities of the United Nations with competence in legal matters.

On the one hand, in a historic legal opinion issued on 16 October 1975, the International Court of Justice concluded that "the materials and information presented to it do not establish any tie of territorial sovereignty between the Territory of Western Sahara and the Kingdom of Morocco". The Court also stressed the colonial nature of the question of Western Sahara and recommended accordingly "the implementation of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory".

On the other hand, 26 years after the invasion and illegal occupation of the Territory, the United Nations, through its Office of Legal Affairs, issued, on 29 January 2002, an opinion following a request made by the Security Council in November 2001:

> "The Madrid Agreement [signed jointly by Mauritania, Morocco and Spain on 14 November 1975] did not transfer sovereignty over the Territory, nor did it confer upon any of the signatories the status of an administering Power — a status which Spain alone could not have unilaterally transferred."

Furthermore, it is also clear to Mr. Baker that the Moroccan claim to Western Sahara did not hold any international legitimacy. In his interview, he indicated that:

> "I know of hardly any country in the world that, as a matter of international law, or international recognition, recognizes Morocco's claim to Western Sahara."

Mr. Baker went to the very substance and nature of the conflict by saying in the same interview:

> "Morocco will never receive the imprimatur of international legitimacy for its occupation of the territory unless it works out some arrangement that is blessed by the international community."

VIII

In spite of the Moroccan rejection of the Peace Plan, both the Secretary-General and his Personal Envoy still remain convinced that the Plan is the best avenue leading to a definitive solution to the conflict. Thus, in paragraph 38 of the report of 23 April 2004, the Secretary-General states that:

> "It is my view and that of my Personal Envoy that the Peace Plan still constitutes the best political solution to the conflict over Western Sahara which provides for self-determination, as required by paragraph 1 of resolution 1429 (2002). I hope, therefore, that the Security Council will reaffirm its recent unanimous support for the Peace Plan and will once again call upon the parties

to work with the United Nations and each other towards acceptance and implementation of the Peace Plan."

In response to this call, the Security Council adopted, on 30 April 2004, resolution 1541 (2004), in which it "reaffirms its support to the Peace Plan for Self-Determination of the People of Western Sahara". The Security Council also extended the mandate of MINURSO until 30 October 2004, while awaiting a report from the Secretary-General on new developments with regard to the implementation of resolution 1541 (2004). This deadline would also allow the General Assembly to tackle, at its fifty-ninth session, the question of Western Sahara from the viewpoint of decolonization.

IX

Just as it had frustrated the efforts made by OAU between 1976 and 1984, the Government of the Kingdom of Morocco has responded with the same obstructionist attitude by thwarting and paralysing the resolute efforts made by the United Nations throughout the past 13 years.

The Third African Union Summit of the Heads of State and Government, held in Addis Ababa from 6 to 8 July 2004, expressed its concern about these developments. In his report submitted to the Heads of State, the President of the Commission of the African Union stated:

> "The Peace Plan was accepted by the Frente POLISARIO, and Algeria, as one of the neighbouring countries interested in the issue, offered support to the Plan. But Morocco rejected the Plan as being unacceptable. Subsequently, the Security Council consented to giving Morocco more time for further reflection, in the hope that it would agree and implement the Peace Plan. Morocco has since responded to the Security Council's request. However, its response does not demonstrate the flexibility that had been expected. In fact, its reaction even reveals a hardening position, as it not only rejects the option of independence, but also considers the transitional phase, as an interim arrangement preceding the referendum, unacceptable."

Conclusions

On 11 June 2004, the Secretary-General addressed a letter (S/2004/492) to the President of the Security Council in which he states: "Mr. Baker has informed me that he believes that he has done all he can do on this issue and he has therefore offered his resignation as my Personal Envoy. It is with deep regret that I have accepted his resignation."

The departure of Mr. Baker, who, as the Secretary-General's Personal Envoy, had dedicated seven years of concentrated work with a view to bringing about a just and lasting solution to the colonial conflict of Western Sahara, was received with "fireworks" by Morocco. Its Minister for Foreign Affairs, Mohamed Benaissa, in a statement circulated on 12 June 2004 by the official news agency, Maghreb Arabe Presse (MAP), welcomed Mr. Baker's resignation by affirming that "it was the outcome of the tenacity of Moroccan diplomacy".

Thirty years have already passed by since Morocco decided, by an act of sheer force contrary to international legality, to occupy a territory and a country that did not belong to it.

The conclusions that can be drawn from the reports of the Secretary-General of the United Nations and the President of the Commission of the African Union, as also from Mr. Baker's interview with PBS mentioned above, are clear.

Morocco has not only reneged on its commitments under the settlement plan that "it had accepted for many years", but also on the responsibilities inherently entailed by its being a Member of the United Nations, which require from any Member State that it fulfil in good faith, and abide by, the resolutions, principles and objectives of the Charter, which consider the peoples' right to self-determination an essential pillar for peace and international security.

To illegally occupy a neighbouring country, to oppress its people for 30 years, to plunder its natural resources, to cause wars and tension in the region and to frustrate the invaluable peace efforts made by the international community is unacceptable behaviour that constitutes a serious challenge to the very consistency, validity and credibility of the international system represented by the United Nations.

It is clearer than ever today that the long waiting of the Saharawi people, whose country remains partly under foreign occupation in the twenty-first century, and that the patience of the international community and its hope to see this conflict resolved peacefully have been ignored by Morocco through its rejection of the settlement plan and the Peace Plan.

In spite of the admission by OAU of the Saharawi Republic, some Member States of the United Nations — on their own or at the request of Morocco — had been waiting for the outcome of the referendum process in order to decide on the very question that is at the heart of the decolonization conflict, namely, the right of the Saharawi people to independence and its legitimate aspiration to be part of the international community, as a free and sovereign nation, along with the large and small States of the world.

In other words, the case of Western Sahara entails implicitly a question with regard to a substantial issue that consists of knowing to what extent the formal recognition of the right to independence of a people subjected to foreign occupation is dependent upon the will of an occupying Power that, contrary to its own commitments, has publicly demonstrated its unwillingness to cooperate with the United Nations in the resolution of the conflict.

Facts have demonstrated that the process that should have culminated in a referendum for self-determination organized by the United Nations has not reached the natural stage provided for in the resolutions of the General Assembly and the Security Council owing to the attitude of Morocco.

The Saharawi people, which has resisted and will continue to resist this foreign occupation until the full attainment of its legitimate rights to self-determination and independence, expresses its thanks to all nations of the world that have believed in and backed its just cause. To all of them, it reaffirms its willingness to spare no effort in its cooperation with the United Nations for the implementation of either the Peace Plan or the settlement plan, which are the two proposals for a solution that

have received the backing of the Security Council and the General Assembly. In this context, the Saharawi people is confident that Member States will act resolutely and use all necessary leverage in order to ensure that Morocco cooperates with the efforts of the United Nations and allows the holding of the referendum for self-determination that has been so long awaited and so many times postponed.